

JOURNAL

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EXECUTIVE PROCEEDINGS

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SENATE

OF THE

UNITED STATES OF AMERICA

FROM DECEMBER 4, 1848, TO AUGUST 31, 1852, INCLUSIVE.

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VOL. VIII.

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IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
June 28, 1886.

Resolved, That the entire Executive Journal of the Senate, from the 23d February, 1829, the date to which the said proceedings have already been printed and published by order of the Senate, be printed, to the end of the last session of the Fortieth Congress, under the direction of the Secretary of the Senate, with a copious and comprehensive index to each volume, and that one hundred copies thereof be printed.

Resolved, That until the further order of the Senate the said print shall not be made public.

Attest:

ANSON G. McCOOK,
Secretary.

82.4/157/09
EXECUTIVE JOURNAL OF THE SENATE OF THE UNITED STATES.

[Second session Thirtieth Congress, commencing Monday, December 4th, 1848.]

TUESDAY, DECEMBER 12, 1848.

The following messages were received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States:

I nominate Hermann Thorn (late of the Third Regiment of Dragoons) for reappointment in the Second Regiment of Infantry, as proposed in the accompanying communication from the Secretary of War.

JAMES K. POLK.

WASHINGTON, *December 11, 1848.*

WAR DEPARTMENT, *December 11, 1848.*

SIR: I have the honor to propose the name of Hermann Thorn (late first lieutenant Third Regiment of Dragoons) to be second lieutenant in the Second Regiment of Infantry, to date from October 15, 1846 (the date of his original appointment), and to take place in the regiment next above Second Lieutenant David R. Jones, being the rank and position held by him under his original commission in the Second Regiment of Infantry.

This reappointment is in conformity with the fourth section of the act approved July 19, 1848.

I am, sir, with great respect, your obedient servant,

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

To the Senate of the United States:

I nominate Second Lieutenant Ulysses S. Grant (since promoted first lieutenant), of the Fourth Regiment of Infantry, to be first lieutenant by brevet for gallant and meritorious services in the battle of Chapultepec, September 13, 1847, as proposed in the accompanying communication from the Secretary of War.

JAMES K. POLK.

WASHINGTON, *December 12th, 1848.*

WAR DEPARTMENT, *December 11, 1848.*

SIR: The brevet of captain conferred on Second Lieutenant Ulysses S. Grant (since promoted first lieutenant), of the Fourth Regiment of Infantry, and confirmed by the Senate on the 13th of July, 1848, "for gallant and meritorious conduct in the battle of Chapultepec, Septem-

ber 13, 1847," being the result of a misapprehension as to the grade held by that officer on the 13th of September, 1847 (he being then a second lieutenant), I have to propose that the brevet of captain be canceled, and that the brevet of first lieutenant "for gallant and meritorious services in the battle of Chapultepec, September 13, 1847," be conferred in lieu thereof.

I am, sir, with great respect, your obedient servant,

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

To the Senate of the United States:

I nominate the officers named in the accompanying communication for regular promotion in the Army of the United States, as proposed by the Secretary of War.

JAMES K. POLK.

WASHINGTON, *December 12th*, 1848.

WAR DEPARTMENT, *December 11*, 1848.

SIR: I have the honor respectfully to propose for your approbation the annexed list of regular promotions in the Army of the United States, to fill the vacancies which have occurred during the recess of the Senate.

I am, sir, with great respect, your obedient servant,

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT,
Washington, December 11, 1848.

PROMOTIONS IN THE ARMY OF THE UNITED STATES.

First Regiment of Dragoons.

Second Lieutenant Richard C. W. Radford to be first lieutenant October 24, 1848, vice Stanton, appointed regimental adjutant.

Regiment of Mounted Riflemen.

Captain John S. Simonson to be major, August 19, 1848, vice Crittenden, cashiered.

First Lieutenant William W. Taylor to be captain, August 19, 1848, vice Simonson, promoted.

First Lieutenant Andrew J. Lindsay to be captain, October 31, 1848, vice Taylor, resigned.

Second Lieutenant Julian May to be first lieutenant, August 19, 1848, vice Taylor, promoted.

Second Lieutenant Daniel M. Frost to be first lieutenant, October 31, 1848, vice Lindsay, promoted.

Brevet Second Lieutenant William B. Lane to be second lieutenant, August 19, 1848, vice May, promoted.

Brevet Second Lieutenant Caleb E. Irvine to be second lieutenant, October 31, 1848, vice Frost, promoted.

First Regiment of Artillery.

First Lieutenant William H. French to be captain, September 22, 1848, vice Prentiss, deceased.

First Lieutenant Joseph Hooker to be captain, October 29, 1848, vice Van Ness, promoted.

First Lieutenant William H. Fowler to be captain, October 29, 1848, vice Hooker, assistant adjutant-general, who vacates his regimental commission.

Second Lieutenant Theodore Talbot to be first lieutenant, September 22, 1848, vice French, promoted.

Second Lieutenant Francis E. Patterson to be first lieutenant, October 29, 1848, vice Hooker, promoted.

Second Lieutenant Joseph J. Woods to be first lieutenant, October 29, 1848, vice Fowler, promoted.

Brevet Second Lieutenant Thornly S. Everett to be second lieutenant, September 22, 1848, vice Talbot, promoted.

Brevet Second Lieutenant John Dement to be second lieutenant, October 29, 1848, vice Patterson, promoted.

Brevet Second Lieutenant James M. Haynes to be second lieutenant, October 29, 1848, vice Woods, promoted.

Second Regiment of Artillery.

Brevet Second Lieutenant James M. Robinson to be second lieutenant, June 28, 1848 (the date of his entry into the Army), to fill a vacancy,

Third Regiment of Artillery.

Captain David Van Ness, of the First Regiment of Artillery, to be major, October 29, 1848, vice McClintock, deceased.

Brevet Second Lieutenant John H. Heck to be second lieutenant, June 28, 1848 (the date of his entry into the Army), to fill a vacancy.

Fourth Regiment of Artillery.

First Lieutenant Joseph Roberts to be captain, August 20, 1848, vice Smead, deceased.

Second Lieutenant John A. Brown to be first lieutenant, August 20, 1848, vice Roberts, promoted.

Brevet Second Lieutenant Robert W. Howard to be second lieutenant, August 20, 1848, vice Brown, promoted.

First Regiment of Infantry.

Brevet Second Lieutenant Charles N. Underwood to be second lieutenant, June 28, 1848 (the date of his entry into the Army), to fill a vacancy.

Fourth Regiment of Infantry.

Brevet First Lieutenant Thomas R. McConnell to be first lieutenant, October 8, 1848, vice Perry, deceased.

Brevet Second Lieutenant Benjamin D. Forsythe, of the Third Regiment of Infantry, to be second lieutenant, October 8, 1848, vice McConnell, promoted.

Brevet Second Lieutenant Richard J. Dodge, of the Eighth Regiment of Infantry, to be second lieutenant, November 6, 1848, vice Howard, resigned.

Fifth Regiment of Infantry.

Second Lieutenant Frederick Myers to be first lieutenant, October 7, 1848, vice Rosecrantz, deceased.

Brevet Second Lieutenant Joseph Updegraff to be second lieutenant, October 7, 1848, vice Myers, promoted.

Sixth Regiment of Infantry.

Brevet Second Lieutenant Levi C. Bootes to be second lieutenant, September 28, 1848, vice Shackelford, deceased.

Seventh Regiment of Infantry.

Captain George Andrews, of the Sixth Regiment of Infantry, to be major, August 14, 1848, vice Noel, deceased.

Respectfully submitted.

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

To the Senate of the United States :

I nominate Thomas A. Conover to be a captain in the Navy, from the 2d of October, 1848, at which time he was promoted to fill the vacancy occasioned by the death of Commodore James Biddle.

Charles H. Jackson to be a commander in the Navy, from the 14th of September, 1848, at which time he was promoted to fill the vacancy occasioned by the death of Commander A. S. Mackenzie.

Andrew A. Harwood to be a commander in the Navy, from the 2d of October, 1848, at which time he was promoted to fill the vacancy occasioned by the promotion of Commander Conover.

William Shields to be a lieutenant in the Navy, from the 14th of September, 1848, at which time he was promoted to fill the vacancy occasioned by the promotion of Lieutenant Charles H. Jackson.

Charles E. Fleming to be a lieutenant in the Navy, from the 2d of October, 1848, at which time he was promoted to fill the vacancy created by the promotion of Lieutenant Andrew A. Harwood.

James S. Ridgely to be a lieutenant in the Navy, from the 31st of October, 1848, at which time he was promoted to fill the vacancy occasioned by the dismissal of Lieutenant Zachr. Holland, under sentence of a court-martial.

William M. Caldwell to be a lieutenant in the Navy, from the 25th of July, 1848, at which time he was promoted to fill the vacancy occasioned by the death of Lieutenant John B. Dale.

S. Wilson Kellogg to be a surgeon in the Navy, from the 26th of August, 1848, at which time he was promoted to fill the vacancy occasioned by the death of Surgeon J. Vaughan Smith.

Charles Martin to be an assistant surgeon in the Navy, from the 5th of September, 1848, at which time he was appointed to fill the vacancy created by the promotion of S. Wilson Kellogg.

James H. Jones to be a second lieutenant in the Marine Corps, from the 3d of March, 1847, to take rank next after 2d Lieutenant George Adams, he, the said James H. Jones, having been dropped under the provisions of the act of Congress of the 2d March, 1847, and now proposed to be restored to his original position, a vacancy having occurred in the said corps by the resignation of Second Lieutenant William F. Perry.

JAMES K. POLK.

WASHINGTON, December 12, 1848.

To the Senate of the United States :

I nominate Benjamin D. Heriot to be Navy agent for the port of Charleston, in the State of South Carolina, for four years from the fourth day of October, 1848, at which time he was reappointed, his former commission having expired.

William B. Scott to be Navy agent for the navy-yard at the city of Washington, D. C., and for the Navy Department, for four years from the eighth day of October, 1848, at which time he was reappointed, his former commission having expired.

Octavius Cohen to be Navy agent for the port of Savannah, in the State of Georgia, for four years from the 11th day of October, 1848, at which time he was reappointed, his former commission having expired.

JAMES K. POLK.

WASHINGTON, *Dec'r 12th*, 1848.

To the Senate of the United States :

I nominate Cornelius S. Bogardus to be naval officer for the district of New York, in the State of New York, in the place of Michael Hoffman, deceased.

JAMES K. POLK.

DECEMBER 12, 1848.

To the Senate of the United States :

I nominate Mathew F. Rainey to be receiver of public moneys for the district of lands subject to sale at Champagnole, in the State of Arkansas, in the place of Thomas I. Mulhollan, deceased.

JAMES K. POLK.

WASHINGTON, *December 12th*, 1848.

To the Senate of the United States :

I nominate Marcus B. Winchester to be deputy postmaster at Memphis, in the State of Tennessee, his present commission having expired on the second July, 1848.

John McRea to be deputy postmaster at Fayetteville, in the State of North Carolina, his present commission having expired on the second July, 1848.

George Russell to be deputy postmaster at Salem, in the State of Massachusetts, in place of Benjamin F. Browne, resigned.

William Sawyer to be deputy postmaster at Charlestown, in the State of Massachusetts, his commissions for the year ending the 30th of June, 1848, having exceeded one thousand dollars.

Theodore S. McLellan to be deputy postmaster at Brunswick, in the State of Maine, his commissions for the year ending the 30th of June, 1848, having exceeded one thousand dollars.

Peter Rambo to be deputy postmaster at Kensington, in the State of Pennsylvania, his commissions for the year ending the 30th June, 1848, having exceeded one thousand dollars.

Robert H. Martin to be deputy postmaster at Oswego, in the State of New York, in the place of D. P. Brewster, removed.

Authur S. Johnson to be deputy postmaster at Ithaca, in the State of New York, in the place of I. M. McCormick, removed.

JAMES K. POLK.

WASHINGTON, *December 12*, 1848.

To the Senate of the United States :

I nominate Lewis Cass, jr., to be chargé d'affaires of the United States to the Papal States, in the place of Jacob L. Martin, deceased.

Edward Porter, of Virginia, to be consul of the United States for the port of Tabasco, in Mexico, who was acting as such at the commencement of the war.

Henry A. Holmes, of New York, to be consul of the United States for the port of Laguna de Terminos, in Mexico, in the place of Eneas McFaul, jr., deceased.

M. P. Game, of Pennsylvania, to be consul of the United States for the port of Guayaquil, in the Republic of Ecuador, in the place of Seth Sweetser, deceased.

Andrew K. Blythe, of Mississippi, to be attorney of the United States for the northern district of Mississippi, in the place of Oscar F. Bledsoe, resigned.

John Rayburn, of Mississippi, to be marshal of the United States for the northern district of Mississippi, in the place of Andrew A. Kincannon, deceased.

JAMES K. POLK.

WASHINGTON, 12th December, 1848.

To the Senate of the United States :

I nominate the persons herein named to the offices to which they have been appointed during the last recess of the Senate, viz :

Thomas C. McDowell, of Pennsylvania, to be consul of the United States for the port of Bahia, or San Salvador, in Brazil, in the place of Alexander H. Tyler, recalled.

Joseph Graham, of Ohio, to be consul of the United States for the port of Buenos Ayres, in the place of George I. Fairfield, deceased.

O. C. Pratt, of Illinois, to be an associate justice of the supreme court of the United States for the Territory of Oregon, in the place of William A. Hall, declined, who was appointed in the place of James Turney, declined.

Charles McVean, of New York, to be attorney of the United States for the southern district of New York, in the place of Benjamin F. Butler, removed.

Franklin H. Merriman, of Texas, to be attorney of the United States for the district of Texas, in the place of George W. Brown, deceased.

George F. Shepley, of Maine, to be attorney of the United States for the district of Maine, in the place of Augustine Haines, resigned.

Lucian Barbour, of Indiana, to be attorney of the United States for the district of Indiana, in the place of Daniel Mace, resigned.

Samuel Grubb, of Washington, to be a justice of the peace in the county of Washington, in the District of Columbia.

Joseph Lane, of Indiana, to be governor in and for the Territory of Oregon, in the place of James Shields, declined.

John D. Field, jr., to be coiner of the branch mint of the United States at Dahlonega, in the State of Georgia, in the place of D. H. Mason, deceased.

JAMES K. POLK.

WASHINGTON, 12th December, 1848.

To the Senate of the United States :

I transmit herewith for the consideration and advice of the Senate, with regard to its ratification, a treaty concluded on the 6th of August, 1848, by L. E. Powell, on the part of the United States, and the chiefs and headmen of the confederated bands of the Pawnee Indians, together with a report of the Commissioner of Indian Affairs and other papers explanatory of the same.

JAMES K. POLK.

WASHINGTON, 12 Dec'r, 1848.

To the Senate of the United States :

I transmit herewith for the consideration and advice of the Senate, with regard to its ratification, a treaty concluded on the 18th of October, 1848, by William Medill, Commissioner of Indian Affairs, on the part of the United States, and the chiefs and headmen of the Menomonee Indians, together with a report of the Commissioner of Indian Affairs and other papers explanatory of the same.

JAMES K. POLK.

WASHINGTON, *December 12, 1848.*

The messages were read.

Ordered, That the nominations for promotion and appointment in the Army be referred to the Committee on Military Affairs.

Ordered, That the nominations for promotion and appointment in the naval service be referred to the Committee on Naval Affairs.

Ordered, That the nomination of Cornelius S. Bogardus be referred to the Committee on Commerce.

Ordered, That the nomination of Mathew F. Rainey be referred to the Committee on Public Lands.

Ordered, That the nominations of deputy postmasters be referred to the Committee on the Post-Office and Post-Roads.

Ordered, That the nomination of Lewis Cass, jr., be referred to the Committee on Foreign Relations.

Ordered, That the nominations of Edward Porter, Henry A. Holmes, M. P. Game, Thomas C. McDowell, and Joseph Graham be referred to the Committee on Commerce.

Ordered, That the nominations of Andrew K. Blythe, John Rayburn, Charles McVean, Franklin H. Merriman, George F. Shepley, Lucian Barbour, and O. C. Pratt be referred to the Committee on the Judiciary.

Ordered, That the nomination of Samuel Grubb be referred to the Committee on the District of Columbia.

Ordered, That the nomination of Joseph Lane be referred to the Committee on the Territories.

Ordered, That the nomination of John D. Field, jr., be referred to the Committee on Finance.

The articles of agreement and convention made this 6th day of August, A. D. 1848, at Fort Childs, near the head of Grand Island, on the south side of the Nebraska or Great Platte River, between Lieutenant-Colonel Ludwell E. Powell, commanding battalion Missouri Mounted Volunteers *en route* to Oregon, in behalf of the United States, and the chiefs and headmen of the four confederated bands of Pawnees, viz: Grand Pawnees, Pawnee Loups, Pawnee Republicans, and Pawnee Tappage, at present residing on the south side of the Platte River, were read a first time.

On motion by Mr. Allen,

Ordered, That these articles of agreement and convention, together with the message and accompanying documents, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

The articles of a treaty made and concluded at Lake Pow-aw-hay-kon-nay, in the State of Wisconsin, on the eighteenth day of October, one thousand eight hundred and forty-eight, between the United States of America, by William Medill, a commissioner duly appointed for that purpose, and the Menomonee tribe of Indians, by the chiefs, headmen, and warriors of said tribe, were read a first time.

On motion by Mr. Allen,

Ordered, That these articles of a treaty, together with the message and accompanying documents, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

MONDAY, DECEMBER 18, 1848.

The following messages were received from the President of the United States, by Mr. Walker, his secretary

To the Senate of the United States :

I nominate Ambrose H. Sevier, of Arkansas, to be commissioner for running the boundary line between the United States and the Republic of Mexico, under the fifth article of the treaty with said Republic concluded on the 2d of February, 1848.

Andrew B. Gray, of Texas, to be surveyor for running the boundary line between the United States and the Republic of Mexico, under the fifth article of the treaty with said Republic concluded on the 2d of February, 1848.

JAMES K. POLK.

WASHINGTON, *December 18, 1848.*

WASHINGTON, *December 18, 1848.*

To the Senate of the United States :

I nominate William H. Marriott to be collector of the customs for the district of Baltimore, in the State of Maryland, from the 18th of December, 1848, when his present commission expires.

JAMES K. POLK.

To the Senate of the United States :

I nominate William H. P'Anson, of Virginia, to be consul of the United States for the city of Chihuahua, in the Mexican Republic.

JAMES K. POLK.

WASHINGTON, *18th December, 1848.*

To the Senate of the United States :

I nominate William J. McCormick to be a justice of the peace for the county of Washington, in the District of Columbia.

JAMES K. POLK.

WASHINGTON, *December 18, 1848.*

The messages were read.

Ordered, That the nominations of Ambrose H. Sevier and Andrew B. Gray be referred to the Committee on Foreign Relations.

Ordered, That the nominations of William H. Marriott and William H. P'Anson be referred to the Committee on Commerce.

Ordered, That the nomination of William J. McCormick be referred to the Committee on the District of Columbia.

Mr. Breese, from Committee on Public Lands, to whom was referred, the 12th instant, the nomination of Mathew F. Rainey, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Butler, from the Committee on the Judiciary, to whom were referred, the 12th instant, the nominations of Andrew K. Blythe, John Rayburn, O. C. Pratt, Franklin H. Merriman, George F. Shepley, and Lucian Barbour, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Butler, from the Committee on the Judiciary, to whom was referred the nomination of Charles McVean, reported.

Mr. Benton, from the Committee on the Judiciary, to whom was referred the nomination of Charles McVean, reported.

Mr. Benton, from the Committee on Foreign Relations, to whom was referred, the 12th instant, the nomination of Lewis Cass, jr., reported.

TUESDAY, DECEMBER 19, 1848.

The following messages were received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States :

I nominate Pierre Auguste Bertrand to be melter and refiner of the branch mint of the United States at New Orleans, in the place of John L. Riddel, removed.

JAMES K. POLK.

WASHINGTON, *December* 19, 1848.

To the Senate of the United States :

I nominate John Gardner to be register of the land office at Winamac, in the State of Indiana, from and after the 28th of December, 1848, when his present commission will expire.

Lunsford R. Noell to be receiver of public moneys for the district of land subject to sale at Danville, in the State of Illinois, from and after the 28th of December, 1848, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *December* 19, 1848.

The messages were read.

Ordered, That the nomination of Pierre Auguste Bertrand be referred to the Committee on Finance.

Ordered, That the nominations of John Gardner and Lunsford R. Noell be referred to the Committee on the Public Lands.

Mr. Douglas, from the Committee on Territories, to whom was referred, the 12th instant, the nomination of Joseph Lane, reported.

Mr. Atherton, from the Committee on Finance, to whom was referred, the 12th instant, the nomination of John D. Field, jr., reported.

On motion by Mr. Bright,

The Senate proceeded to consider the nomination of Lewis Cass, jr.; and

After debate,

On motion by Mr. Allen,

The Senate adjourned.

WEDNESDAY, DECEMBER 20, 1848.

The following message was received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States :

I nominate William F. Purcell, of Washington, to be judge of the orphans' court for the county of Washington, in the District of Columbia, in the place of Nathaniel P. Causin, resigned.

JAMES K. POLK.

WASHINGTON, 20 *December*, 1848

The message was read.

Ordered, That the nomination of William F. Purcell be referred to the Committee on the Judiciary.

Mr. Atherton, from the Committee on Finance, to whom was referred, the 19th instant, the nomination of Pierre Auguste Bertrand, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Breese, from the Committee on Public Lands, to whom were referred, the 19th instant, the nominations of John Gardner and Lunsford R. Noel, reported.

Whereupon,

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

On motion by Mr. Dickinson,

The Senate proceeded to consider the nomination of Charles McVean ; and,

After debate,

On the question, Will the Senate advise and consent to the appointment of Charles McVean?

It was determined in the affirmative, { Yeas 33
Nays 3

On motion by Mr. Hale,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Atchison, Atherton, Badger, Borland, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Clarke, Davis of Mississippi, Dickinson, Douglas, Downs, Fitzgerald, Fitzpatrick, Foote, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Metcalfe, Rusk, Sturgeon, Turney, Underwood, Walker, Westcott, Yulee.

Those who voted in the negative are,

Messrs. Dix, Hale, Niles.

So it was

Resolved, That the Senate advise and consent to the appointment of Charles McVean, agreeably to the nomination.

On motion by Mr. Douglas,

The Senate proceeded to consider the nomination of Joseph Lane ; and

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

FRIDAY, DECEMBER 22, 1848.

Mr. Baldwin submitted the following resolution ; which was considered, by unanimous consent, and agreed to :

Resolved, That the injunction of secrecy be removed from the message and documents submitted by the President to the Senate with the treaty of peace, amity, navigation, and commerce between the United States of America and the Republic of New Granada, on the 10th of February, 1847.

Mr. Butler, from the Committee on the Judiciary, to whom was referred, the 20th instant, the nomination of William F. Purcell, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr. Davis, of Mississippi,

Ordered, That the Committee on Foreign Relations be discharged from the further consideration of the nominations of Ambrose H. Sevier and Andrew B. Gray.

On motion by Mr. Davis, of Mississippi,

The Senate proceeded to consider the nomination of Ambrose H. Sevier; and

After debate,

On motion by Mr. Hale,

The Senate adjourned.

TUESDAY, DECEMBER 26, 1848.

The following messages were received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States :

I nominate Lorenzo B. Shepard to be attorney of the United States for the southern district of New York, in the place of Charles McVean, deceased.

JAMES K. POLK.

WASHINGTON, *December 26, 1848.*

To the Senate of the United States :

I nominate William A. Newman, of Vermont, to be a military store-keeper attached to the Ordnance Department of the Army of the United States, vice Halsey, deceased.

JAMES K. POLK.

WASHINGTON, *December 26, 1848.*

To the Senate of the United States :

I nominate Reuben T. Thom to be deputy postmaster at Fredericksburg, Virginia, his commission having expired on the 18th of December, 1848.

Orsemus Turner to be deputy postmaster at Lockport, New York, in place of Hezekiah W. Scovell, whose commission expired on the 18th December, 1848.

Augustine G. Danby to be deputy postmaster at Utica, New York, his commission having expired on the 18th December, 1848.

Edward A. Mitchell to be deputy postmaster at New Haven, Connecticut, his commission having expired on the 23d December, 1848.

Jonathan R. Diller to be deputy postmaster at Springfield, Illinois, from and after the 2d of January, 1849, when his present commission will expire.

William D. Marrast to be deputy postmaster at Tuscaloosa, Alabama, from and after the 15th January, 1849, when his present commission will expire.

Israel Hoge to be deputy postmaster at Zanesville, Ohio, from and after the 3d of February, 1849, when his present commission will expire.

Josiah A. Noonan to be deputy postmaster at Milwaukee, Wisconsin, from and after the 15th February, 1849, when his present commission will expire.

Seth S. Moulton to be deputy postmaster at Dover, New Hampshire, in place of Thomas Stackpole, whose commissions for the year ending 30th June, 1848, exceeded one thousand dollars.

Joshua Lee to be deputy postmaster at Little Falls, New York, in place of Edmund S. Chapin, whose commissions for the year ending 30th June, 1848, exceeded one thousand dollars.

Benjamin Mudge to be deputy postmaster at Lynn, Massachusetts, his commissions for the year ending 30th June, 1848, having exceeded one thousand dollars.

John Simpson to be deputy postmaster at New Brunswick, in the State of New Jersey, his commissions for the year ending 30th June, 1848, having exceeded one thousand dollars.

Charles P. Danforth to be deputy postmaster at Nashua, New Hampshire, his commissions for the year ending 30th June, 1848, having exceeded one thousand dollars.

William D. Quin to be deputy postmaster at Paterson, New Jersey, his commissions for the year ending 30th June, 1848, having exceeded one thousand dollars.

Samuel W. Rogers to be deputy postmaster at Quincy, Illinois, his commissions for the year ending 30th June, 1848, having exceeded one thousand dollars.

William B. Smith to be deputy postmaster at Sandusky, Ohio, his commissions for the year ending 30th June, 1848, having exceeded one thousand dollars.

JAMES K. POLK.

WASHINGTON, *December 26, 1848.*

The messages were read.

Ordered, That the nomination of Lorenzo B. Shepherd be referred to the Committee on the Judiciary.

Ordered, That the nomination of William A. Newman be referred to the Committee on Military Affairs.

Ordered, That the nominations of deputy postmasters be referred to the Committee on the Post-Office and Post-Roads.

FRIDAY, DECEMBER 29, 1848.

The following messages were received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States :

I nominate Rufus McIntyre to be marshal of the United States for the district of Maine, from and after the 15th day of January, 1849, when the commission of the present incumbent will expire.

JAMES K. POLK.

WASHINGTON, *29 December, 1848.*

To the Senate of the United States :

I nominate Benjamin Kingsbury, jr., to be surveyor of the port at Portland, in the State of Maine, from and after the 7th of January, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *December 29, 1848.*

The messages were read.

Ordered, That the nomination of Rufus McIntyre be referred to the Committee on the Judiciary.

Ordered, That the nomination of Benjamin Kingsbury, jr., be referred to the Committee on Commerce.

Mr. Butler, from the Committee on the Judiciary, to whom was re-

ferred, the 26th instant, the nomination of Lorenzo B. Shepherd, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Davis, of Mississippi, from the Committee on Military Affairs, to whom was referred, the 26th instant, the nomination of William A. Newman, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

The Senate resumed the consideration of the nomination of Lewis Cass, jr.

On motion by Mr. Badger that it lie on the table,

It was determined in the negative, { Yeas..... 12
Nays 19

On motion by Mr. Badger,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Atchison, Badger, Butler, Clayton, Corwin, Davis of Massachusetts, Davis of Mississippi, Metcalfe, Niles, Turney, Underwood, Upham.

Those who voted in the negative are,

Messrs. Allen, Atherton, Bradbury, Breese, Bright, Dickinson, Dodge of Iowa, Douglas, Downs, Felch, Fitzpatrick, Hannegan, Houston, Jones, King, Sebastian, Sturgeon, Walker, Westcott.

After debate,

On motion by Mr. Bright,

The Senate adjourned.

WEDNESDAY, JANUARY 3, 1849.

Mr. Niles, from the Committee on the Post-Office and Post-Roads, to whom were referred, the 26th December, the nominations of Reuben T. Thom, Orsemus Turner, Augustine G. Danby, and Edward A. Mitchell, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Johnson, of Georgia, from the Committee on the District of Columbia, to whom was referred, the 12th December, the nomination of Samuel Grubb, and, on the 18th December, that of William J. McCormick, reported.

Mr. Butler, from the Committee on the Judiciary, to whom was referred, the 29th December, the nomination of Rufus McIntyre, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

The Senate resumed the consideration of the nomination of Lewis Cass, jr.; and,

After debate,

On motion by Mr. Hale to postpone the nomination of Lewis Cass, jr., indefinitely,

It was determined in the negative, { Yeas..... 16
Nays..... 26

On motion by Mr. Hale,

The yeas and nays being desired by one-fifth of the Senators present

Those who voted in the affirmative are,
Messrs. Badger, Baldwin, Bell, Berrien, Clarke, Corwin, Davis of Massachusetts, Dayton, Hale, Metcalfe, Niles, Rusk, Spruance, Turney, Underwood, Upham.

Those who voted in the negative are,
Messrs. Allen, Atchison, Atherton, Bradbury, Breese, Bright, Butler, Davis of Mississippi, Dickinson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Fitzgerald, Fitzpatrick, Foote, Houston, Johnson of Georgia, Jones, King, Mason, Sebastian, Sturgeon, Walker, Westcott.

So the motion was rejected.

On motion by Mr. Berrien that the nomination of Lewis Cass, jr., lie on the table,

It was determined in the negative, { Yeas 23
Nays 24

On motion by Mr. Berrien,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Atchison, Badger, Baldwin, Bell, Berrien, Butler, Cameron, Clarke, Clayton, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dix, Hale, Johnson of Louisiana, Metcalfe, Niles, Phelps, Spruance, Turney, Underwood, Upham.

Those who voted in the negative are,
Messrs. Allen, Atherton, Bradbury, Breese, Bright, Dickinson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Fitzgerald, Fitzpatrick, Foote, Houston, Johnson of Georgia, Jones, King, Mason, Rusk, Sebastian, Sturgeon, Walker, Westcott.

So the motion was rejected.

On motion by Mr. Butler that the Senate adjourn,

It was determined in the affirmative, { Yeas 25
Nays 22

On motion by Mr. Douglas,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Atchison, Badger, Baldwin, Bell, Berrien, Butler, Cameron, Clarke, Clayton, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dix, Hale, Johnson of Louisiana, Metcalfe, Niles, Phelps, Rusk, Sebastian, Spruance, Turney, Underwood, Upham.

Those who voted in the negative are,
Messrs. Allen, Atherton, Bradbury, Breese, Bright, Dickinson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Fitzgerald, Fitzpatrick, Foote, Houston, Johnson of Georgia, Jones, King, Mason, Sturgeon, Walker, Westcott.

So the motion was agreed to, and

The Senate adjourned.

FRIDAY, JANUARY 5, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States :

I nominate Robert C. Ewing to be marshal of the United States for the district of Missouri, from and after the 15th day of January, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *January 3, 1849.*

To the Senate of the United States :

I nominate Elijah H. Gordy to be receiver of public moneys at St. Stephen's, in the State of Alabama, his present commission having expired.

Lewis B. McCarthy to be register of the land office at Demopolis, in the State of Alabama, his present commission having expired.

Monroe Donoho to be register of the land office at Tuscaloosa, in the State of Alabama, in the place of Richard Whiting, deceased.

Edward F. Comegys to be receiver of public moneys at Tuscaloosa, in the State of Alabama, from and after the 8th of January, 1849, when his present commission will expire.

Zenas Lake to be receiver of public moneys at Indianapolis, in the State of Indiana, from and after the 13th January, 1849, when the commission of the present incumbent will expire.

James W. Barrett to be register of the land office at Springfield, in the State of Illinois, from and after the 13th January, 1849, when his present commission will expire.

Bela M. Hughes to be receiver of public moneys at Plattsburg, in the State of Missouri, from and after the 13th January, 1849, when his present commission will expire.

John G. Cameron to be receiver of public moneys at Edwardsville, in the State of Illinois, from and after the 23d January, 1849, when his present commission will expire.

Parker Dudley to be receiver of public moneys at Palmyra, in the State of Missouri, from and after the 13th January, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *January 3d*, 1849.

To the Senate of the United States :

I nominate Stephen Willets to be collector of the customs for the district of Little Egg Harbor and inspector of the revenue for the port of Tuckerton, in the State of New Jersey, vice Samuel S. Downs, whose commission expired on the 12th of June, 1848.

Eli F. Stacy to be collector of the customs for the district of Gloucester, in the State of Massachusetts, his late commission having expired on the 31st of December, 1848.

Ephraim F. Miller to be collector of the customs for the district of Salem and Beverly, in the State of Massachusetts, in the place of James Miller, whose commission will expire January 3d, 1849.

JAMES K. POLK.

WASHINGTON, *January 3d*, 1849.

To the Senate of the United States :

I nominate Paymaster Adam D. Stenart for reappointment in the Pay Department of the Army of the United States, as proposed in the accompanying communication from the Secretary of War.

JAMES K. POLK.

WASHINGTON, *January 4th*, 1849.

WAR DEPARTMENT, *January 3, 1849.*

SIR: I have the honor respectfully to propose for your approbation the name of Adam D. Steuart for reappointment in the Army of the United States, viz:

REAPPOINTMENT.

Paymaster Adam D. Steuart, to take effect January 14, 1849, when his present appointment will expire.

I have the honor to be, with great respect, your obedient servant,
W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

To the Senate of the United States:

I nominate Nimrod E. Benson to be receiver of public moneys at Montgomery, in the State of Alabama, from and after the 13th January, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *January 5, 1849.*

To the Senate of the United States:

I nominate William Maxwell to be surveyor of the port and inspector of revenue for the port of Sunbury, in the State of Georgia, from and after the 13th of January, 1849, when his present commission will expire.

Benjamin Stiles to be surveyor of the port and inspector of revenue for the port of Hardwicke, in the State of Georgia, from and after the 13th of January, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *January 5, 1849.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice with regard to its ratification, a convention between the United States of America and the Government of Her Britannic Majesty, for the improvement of the communication by post between their respective territories, concluded and signed at London on the 15th December last, together with an explanatory dispatch from our minister at that court.

JAMES K. POLK.

WASHINGTON, *4th January, 1849.*

The messages were read.

Ordered, That the nomination of Robert C. Ewing be referred to the Committee on the Judiciary.

Ordered, That the nominations of Elijah H. Gordy, Lewis B. McCarty, Edward F. Comegys, Zenas Lake, James W. Barrett, Bela M. Hughes, John G. Cameron, Parker Dudley, and Nimrod E. Benson be referred to the Committee on Public Lands.

Ordered, That the nominations of Stephen Willets, Eli F. Stacy, Ephraim F. Miller, William Maxwell, and Benjamin Stiles be referred to the Committee on Commerce.

Ordered, That the nomination of Adam D. Steuart be referred to the Committee on Military Affairs.

On motion by Mr. Fitzpatrick,

The Senate, by unanimous consent, proceeded to consider the nomination of Monroe Donoho; and

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

The convention between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland for the improvement of the communication by post between their respective territories, concluded and signed at London the 15th December, 1848, was read the first and second times, by unanimous consent.

On motion by Mr. King,

The Senate, by unanimous consent, proceeded, as in Committee of the Whole, to consider the said convention; and no amendment being made thereto, it was reported to the Senate.

Mr. King submitted the following resolution for consideration:

Resolved (two-thirds of the Senators concurring therein), That the Senate advise and consent to the ratification of the convention between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland for the improvement of the communication by post between their respective territories, concluded and signed at London on the 15th December, 1848.

The Senate, by unanimous consent, proceeded to consider the said resolution; and, on the question to agree thereto,

It was determined in the affirmative, yeas 49.

Those who voted are,

Messrs. Allen, Atchison, Badger, Baldwin, Benton, Berrien, Borland, Bradbury, Bright, Cameron, Clarke, Clayton, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Fitzgerald, Fitzpatrick, Foote, Hamlin, Hannegan, Houston, Hunter, Johnson of Louisiana, Johnson of Georgia, Jones, King, Mason, Metcalfe, Miller, Niles, Pearce, Phelps, Rusk, Sebastian, Spruance, Sturgeon, Turney, Underwood, Upham, Westcott, Yulee.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Mr. Dix, from the Committee on Commerce, to whom were referred, the 12th December, the nominations of Edward Porter, Henry A. Holmes, M. P. Game, Thomas C. McDowell, Joseph Graham, on the 18th December that of William H. P'Anson, and on the 29th December that of Benjamin Kingsbury, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Dix, from the Committee on Commerce, to whom was referred, the 12th December, the nomination of Cornelius S. Bogardus, reported.

Mr. Davis, from the Committee on Military Affairs, to whom was referred, the 12th December, the nomination of Hermann Thorn, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr. Dix that the vote of 3d instant, advising and consenting to the appointment of Orsemus Turner, be reconsidered,

Ordered, That the further consideration of the motion be postponed until to-morrow.

The Senate resumed the consideration of the nomination of Lewis Cass, jr.; and,

After debate,

On motion by Mr. Badger, that it lie on the table,

It was determined in the negative, { Yeas..... 24
Nays..... 28

On motion by Mr. Badger,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Atchison, Badger, Baldwin, Bell, Benton, Berrien, Butler, Cameron, Clarke, Clayton, Corwin, Davis of Massachusetts, Dayton, Dix, Hale, Johnson of Louisiana, Metcalfe, Miller, Niles, Pearce, Phelps, Spruance, Underwood, Upham.

Those who voted in the negative are,

Messrs. Allen, Atherton, Borland, Bradbury, Breese, Bright, Dickinson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Fitzgerald, Fitzpatrick, Foote, Houston, Hunter, Johnson of Georgia, Jones, King, Mason, Rusk, Sebastian, Sturgeon, Turney, Walker, Westcott, Yulee.

Whereupon

Resolved That the Senate advise and consent to the appointment of Lewis Cass, jr., agreeably to the nomination.

MONDAY, JANUARY 8, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary:

To the Senate of the United States:

I nominate Charles Eames, of New York, to be commissioner to the Sandwich Islands, in the place of Anthony Ten Eyck, resigned.

JAMES K. POLK.

WASHINGTON, 8th January, 1849.

To the Senate of the United States:

I nominate Thomas D. Moseley to be attorney of the United States for the district of Middle Tennessee, from and after the 15th of January, 1849, when his present commission will expire.

Samuel H. Hempstead to be attorney of the United States for the district of Arkansas, from and after the 8th of February, 1849, when his present commission will expire.

Isaac O. Barnes to be marshal of the United States for the district of Massachusetts, from and after the 15th January, 1849, when his present commission will expire.

Thomas D. Condry to be marshal of the United States for the district of South Carolina, from and after the 15th January, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, January 8, 1849.

To the Senate of the United States:

I nominate Charles Byrne to be collector of customs for the district of Saint Johns, in the State of Florida, in the place of James Dell, deceased.

JAMES K. POLK.

WASHINGTON, January 8, 1849.

To the Senate of the United States :

I nominate John Cox to be a justice of the peace for the District of Columbia and county of Washington, from and after the 9th of January, 1849, when his present commission will expire.

John J. Stull to be a justice of the peace for the District of Columbia and county of Washington, from and after the 9th of January, 1849, when his present commission will expire.

James Marshall to be justice of the peace for the District of Columbia and county of Washington, from and after the 9th of January, 1849, when his present commission will expire

Lewis Carbery to be a justice of the peace for the District of Columbia and county of Washington, from and after the 9th of January, 1849, when his present commission will expire.

Thomas Carberry to be a justice of the peace for the District of Columbia and county of Washington, from and after the 9th of January, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *January 8, 1849.*

The messages were read.

Ordered, That the nomination of Charles Eames be referred to the Committee on Foreign Affairs.

Ordered, That the nominations of Thomas D. Mosely, Samuel H. Hempstead, Isaac O. Barnes, and Thomas D. Condy be referred to the Committee on the Judiciary.

Ordered, That the nomination of Charles Byrne be referred to the Committee on Commerce.

Ordered, That the nominations of justices of the peace be referred to the Committee on the District of Columbia.

Mr. Dix, from the Committee on Commerce, to whom was referred, the 18th December, the nomination of William H. Marriott, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Niles, from the Committee on the Post-Office and Post-Roads, to whom was referred, the 26th December, the nominations of Jonathan R. Diller, William D. Marrast, Israel Hoge, and Seth S. Moulton, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Butler, from the Committee on the Judiciary, to whom was referred, the 5th instant, the nomination of Robert C. Ewing, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Atchison, from the Committee on Indian Affairs, to whom was referred, the 12th December, the articles of agreement and convention with the four confederated bands of the Pawnee Indians, reported the same without amendment.

On motion by Mr. Atchison,

The Senate, as in Committee of the Whole, proceeded to consider the said articles of agreement and convention; and no amendment being made thereto, they were reported to the Senate.

Ordered, That the nominations of John A. Parker and Henry E. W. Clark be referred to the Committee on Commerce.

Mr. Niles, from the Committee on the Post-Office and Post-Roads, to whom were referred, the 26th December, the nominations of Joshua Lee and Charles P. Danforth, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

The Senate proceeded to consider the resolution submitted by Mr. Phelps the 8th instant; and

After debate,

On motion by Mr. King,

The Senate adjourned.

WEDNESDAY, JANUARY 10, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary:

To the Senate of the United States :

I nominate Benning Mann to be marshal of the United States for the district of Connecticut, from and after January 15, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *January 10, 1849.*

To the Senate of the United States :

I nominate Leonard Jones, of Maine, to be consul of the United States for the port of Chagres, in the Republic of New Granada, in the place of Bladen Forrest, resigned.

JAMES K. POLK.

WASHINGTON, *January 10, 1849.*

To the Senate of the United States :

I nominate William D. Starr to be collector of customs for the district of Middletown, in the State of Connecticut, the commission of the present incumbent having expired.

JAMES K. POLK.

WASHINGTON, *January 10, 1849.*

The messages were read.

Ordered, That the nomination of Benning Mann be referred to the Committee on the Judiciary.

Ordered, That the nominations of Leonard Jones and William D. Starr be referred to the Committee on Commerce.

Mr. Johnson, of Georgia, from the Committee on the District of Columbia, to whom were referred, the 8th instant, the nominations of John Cox, John J. Stull, James Marshall, Lewis Carbery, and Thomas Carbery, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Butler, from the Committee on the Judiciary, to whom were referred, the 8th instant, the nominations of Thomas D. Mosely, Isaac O. Barnes, and Thomas D. Condy, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Breese, from the Committee on Public Lands, to whom were referred, the 5th instant, the nominations of Elijah H. Gordy, Lewis B. McCarty, Edward F. Comegys, Zenas Lake, James W. Barrett, Bela M. Hughes, John G. Cameron, Parker Dudley, and Nimrod E. Benson, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

The Senate proceeded to consider the nominations of Andrew B. Gray, John D. Field, jr., Samuel Grubb, and William J. McCormick; and

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Downs presented the petition of James W. Schaumburg, praying that his memorial, upon the executive files of the Senate, may receive their early attention; which was referred to the Committee on Military Affairs.

Mr. Benton presented a remonstrance from Edward Nunan and others, of the city of New York, adverse to the confirmation of the appointment of Cornelius S. Bogardus; and

Ordered, That it lie on the table.

FRIDAY, JANUARY 12, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary:

To the Senate of the United States:

I nominate Gershom Mott to be collector of the customs for the district and inspector of the revenue for the port of Burlington, to reside at Lambertton, in the State of New Jersey, in the place of Gershom Mott, deceased.

Andrew Agnew to be surveyor for the district of Perth Amboy and inspector of the revenue for the port of New Brunswick, in the State New Jersey, from and after the 25th day of February, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *January 12th*, 1849.

To the Senate of the United States:

I nominate Charles B. Lenes to be surveyor and inspector of the revenue for the port of Bayou St. John, in the State of Louisiana, his late commission having expired.

A. H. Wildes to be surveyor and inspector of the revenue for the port of Ipswich, in the State of Massachusetts, from the 13th of January, 1849, when his present commission will expire.

Thomas Bacon to be collector of the customs for the district of Oswegatchie, and inspector of the revenue for the port of Ogdensburg, in the State of New York, in the place of David C. Judson, whose commission has expired.

JAMES K. POLK.

WASHINGTON, *January 12*, 1849.

To the Senate of the United States:

I nominate Caleb H. Booth, of Iowa, to be surveyor-general of the United States for the district of Wisconsin and Iowa, in the place of George W. Jones, resigned.

JAMES K. POLK.

WASHINGTON, *January 12, 1849.*

The messages were read.

Ordered, That the nominations of officers of the customs be referred to the Committee on Commerce.

On motion by Mr. Dodge, of Iowa,

The Senate, by unanimous consent, proceeded to consider the nomination of Caleb H. Booth; and

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Davis, of Mississippi, from the Committee on Military Affairs, to whom was referred, the 5th instant, the nomination of Adam D. Stuart, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Butler, from the Committee on the Judiciary, to whom was referred, the 10th instant, the nomination of Benjamin Mann, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Hannegan, from the Committee on Foreign Relations, to whom was referred, the 8th instant, the nomination of Charles Evans, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Niles, from the Committee on the Post-Office and Post-Roads, to whom was referred, the 26th December, the nomination of Benjamin Mudge, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

TUESDAY, JANUARY 16, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary:

To the Senate of the United States:

I nominate John Rutledge, now a master in the Navy, to be a lieutenant in the Navy, from the 7th of January, 1849, to fill a vacancy occasioned by the death of Lieutenant Francis Huger.

JAMES K. POLK.

WASHINGTON, *January 15, 1849.*

To the Senate of the United States:

I nominate Samuel McClurg to be marshal of the United States for the district of New Jersey, his present commission this day expiring.

John Lane to be marshal of the United States for the district of Kentucky, his present commission this day expiring.

Moreau Forrest to be marshal of the United States for the district of Maryland, his present commission this day expiring.

JAMES K. POLK.

WASHINGTON, *January 15, 1849.*

To the Senate of the United States:

I nominate Walter Havens to be surveyor and inspector of the revenue for the port of Greenport, in the State of New York, in the place of Treadwell L. Ireland, resigned.

JAMES K. POLK.

WASHINGTON, *January 15, 1849.*

To the Senate of the United States:

I nominate Samuel Wise to be receiver of public moneys at Vincennes, Indiana, his former commission having expired.

JAMES K. POLK.

WASHINGTON, *January 15, 1849.*

To the Senate of the United States:

I nominate David Hayden to be surveyor and inspector of the revenue for the port of New Orleans, in the State of Louisiana, his former commission having expired.

Oliver B. Hill to be receiver of public moneys at New Orleans, in the State of Louisiana, from and after the 14th of February, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *January 16, 1849.*

To the Senate of the United States:

I nominate John B. Weller, of Ohio, to be commissioner for running the boundary line between the United States and the Republic of Mexico, under the fifth article of the treaty with that Republic, concluded on the 2d of February, 1848, in the place of A. H. Sevier, who was nominated to the Senate and has since died.

JAMES K. POLK.

WASHINGTON, *16th January, 1849.*

The message was read.

Ordered, That the nomination of John Rutledge be referred to the Committee on Naval Affairs.

Ordered, That the nominations of marshals be referred to the Committee on the Judiciary.

Ordered, That the nomination of Walter Havens and David Hayden be referred to the Committee on Commerce.

Ordered, That the nominations of Oliver B. Hill and Samuel Wise be referred to the Committee on Public Lands.

On motion by Mr. Atchison,

The Senate, by unanimous consent, proceeded to consider the nomination of John B. Weller; and

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Niles, from the Committee on the Post-Office and Post-Roads, to whom were referred, the 26th December, the nominations of Josiah H. Noonan and Samuel W. Rogers, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to the nominations respectively.

Mr. Niles, from the Committee on the Post-Office and Post-Roads, to whom were referred, on the 12th December the nominations of Robert H. Martin and Arthur S. Johnson, reported.

FRIDAY, JANUARY 19, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States:

I nominate Captain James Duncan, of the 2d Regiment of Artillery, lieutenant-colonel by brevet, to be Inspector-General of the Army, in the place of Colonel George Croghan, deceased.

JAMES K. POLK.

WASHINGTON, *January* 18, 1849.

To the Senate of the United States:

I nominate M. F. Bonzano, of Louisiana, to be melter and refiner of the branch mint at New Orleans, in the State of Louisiana, in the place of Pierre Auguste Bertrand, who declines to accept.

JAMES K. POLK.

WASHINGTON, *January* 18, 1849.

The messages were read.

Ordered, That the nomination of James Duncan be referred to the Committee on Military Affairs.

Ordered, That the nomination of M. F. Bonzano be referred to the Committee on Finance.

Mr. Atchison, from the Committee on Indian Affairs, to whom was referred, the 12th December, the articles of a treaty made and concluded at Lake Pow-aw-hay-kon-nay, in the State of Wisconsin, on the 18th day of October, 1848, between the United States of America, by William Medill, a commissioner duly appointed for that purpose, and the Menomonee tribe of Indians, by the chiefs, headmen, and warriors of said tribe; reported the same without amendment.

On motion by Mr. Atchison,

The Senate, as in Committee of the Whole, proceeded to consider the said articles of a treaty; and no amendment being made thereto, they were reported to the Senate.

Mr. Atchison submitted the following resolution for consideration:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at Lake Pow-aw-hay-kon-nay, in the State of Wisconsin, on the 18th day of October, 1848, between the United States of America, by William Medill, a commissioner duly appointed for that purpose, and the Menomonee tribe of Indians, by the chiefs, headmen, and warriors of said tribe.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, { Yeas 36
Nays 5

Those who voted in the affirmative are,

Messrs. Allen, Atchison, Atherton, Badger, Berrien, Breese, Cameron, Clarke, Clayton, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dodge of Iowa, Downs, Fitzpatrick, Foote, Greene, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Jones, King, Mason, Metcalfe, Miller, Niles, Phelps, Rusk, Sebastian, Spruance, Sturgeon, Underwood, Upham, Walker.

Those who voted in the negative are,

Messrs. Borland, Bright, Douglas, Turney, Yulee.

Ordered, That the Secretary lay the said resolution before the President of the United States.

On motion by Mr. Atchison,

Ordered, That the injunction of secrecy be removed from the articles of a treaty with the Menomonee Indians, concluded on the 18th October, 1848, together with the message and documents accompanying the same, and the proceedings of the Senate thereon.

Mr. Breese, from the Committee on Public Lands, to whom were referred, the 16th instant, the nominations of Samuel Wise and Oliver B. Hill, reported,

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Niles, from the Committee on the Post-Office and Post Roads to whom were referred, the 12th December, the nominations of Marcus B. Winchester, John McRea, George Russell, and William Sawyer, reported,

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations, respectively.

Mr. Davis, of Mississippi, from the Committee on Military Affairs, to whom were referred, the 12th December, the nominations of Richard C. W. Radford, William H. French, Joseph Hooker, William H. Fowler, Theodore Talbot, Francis E. Patterson, Joseph J. Woods, Thornley S. Everett, John Dement, James M. Haynes, James M. Robinson, David Van Ness, John H. Heck, Joseph Roberts, John A. Brown, Robert W. Howard, Charles N. Underwood, Thomas R. McConnell, Benjamin D. Forsythe, Richard J. Dodge, Frederick Myers, Joseph Updegraff, Levi C. Boots, and George Andrews, reported.

Whereupon

Resolved, That the Senate advise and consent to the promotions of the said persons, agreeably to their nominations respectively.

The Senate proceeded to consider the nominations of Robert H. Martin and Arthur S. Johnson; and

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

On motion by Mr. Atchison,

Ordered, That the injunction of secrecy be removed from the report and resolution of the 21st September, 1840, in relation to the transfer of certain stock of the Chickasaw to the Choctaw Indians, from the messages and documents communicated to the Senate relative thereto, and from the proceedings of the Senate thereon.

FRIDAY, JANUARY 26, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary:

To the Senate of the United States :

I nominate N. S. Paisley, of Alabama, to be consul of the United States for the port of Genoa, in the place of John McPherson, resigned.

JAMES K. POLK.

WASHINGTON, 22d January, 1849.

To the Senate of the United States :

I nominate Charles William Bradley, of Connecticut, to be consul of the United States for the port of Amoy, in China, in the place of Thomas G. Peachy, resigned.

Henry Fries, of Ohio, to be consul of the United States for the port of Fuchow, in China.

JAMES K. POLK.

WASHINGTON, 22d January, 1849.

To the Senate of the United States :

I nominate Algernon Sidney Taylor, first lieutenant of Marines, to be captain by brevet, from the 27th March, 1847, for gallant and meritorious conduct at the bombardment and capture of Vera Cruz, on the 27th March last, and at the capture of Tuxpan, on the 18th day of April, 1847; and

Henry B. Watson, first lieutenant of Marines, to be captain by brevet, from the 20th of November, 1847, for gallant and meritorious conduct in the battles of the 8th and 9th of January, 1847, on the banks of the Rio San Gabriel, and on the plains of Mesa, in California; and for the defense of Guyamas from the 20th October to 20th November, 1847.

JAMES K. POLK.

WASHINGTON, D. C., January 22d, 1849.

To the Senate of the United States :

I nominate Joseph Lee to be deputy postmaster at Little Falls, in the State of New York, in the place of Joshua Lee, who was by mistake nominated for the office and confirmed by the Senate.

David Holt, jr., to be deputy postmaster at Madison, in the State of Wisconsin, his commissions for the year ending the 30th June, 1848, having exceeded one thousand dollars.

JAMES K. POLK.

WASHINGTON, January 23, 1849.

To the Senate of the United States :

I nominate William Pierce to be deputy postmaster at Lawrence, Massachusetts, in place of George A. Waldo, resigned.

JAMES K. POLK.

WASHINGTON, January 23, 1849.

To the Senate of the United States :

I nominate Thomas J. Hodson to be register of the land office at Tallahassee, in the State of Florida, from and after the 14th of February, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, January 22, 1849.

To the Senate of the United States :

I nominate Rufus Hewitt to be receiver of public moneys at Winamac, in the State of Indiana, in the place of A. L. Wheeler, resigned.

JAMES K. POLK.

WASHINGTON, *January 26, 1849.*

To the Senate of the United States :

I nominate Richard Sands to be collector of the customs for the district and inspector of the revenue for the port of Annapolis, in the State of Maryland, his last commission having expired on the 8th of January, 1849.

James W. Roach to be surveyor and inspector of the revenue at St. Mary's River, in the State of Maryland, his late commission having expired on the 13th of January, 1849.

Martin Russell to be surveyor and inspector of the revenue for the port of Troy, in the State of New York, his late commission having expired on the 13th of January, 1849.

JAMES K. POLK.

WASHINGTON, *January 26, 1849.*

The messages were read.

Ordered, That the nominations of H. S. Paisley, Charles William Bradley, Henry Fries, Richard Sands, James W. Roach, and Martin Russell be referred to the Committee on Commerce.

Ordered, That the nominations of Algernon Sidney Taylor and Henry B. Watson be referred to the Committee on Naval Affairs.

Ordered, That the nominations of David Holt, jr., and William Peirce be referred to the Committee on the Post-Office and Post-Roads.

Ordered, That the nomination of Rufus Hewitt be referred to the Committee on Public Lands.

On motion by Mr. Niles,

The Senate, by unanimous consent, proceeded to consider the nomination of Joseph Lee; and

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr. Westcott,

The Senate, by unanimous consent, proceeded to consider the nomination of Thomas J. Hodson; and

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Davis, of Mississippi, from the Committee on Military Affairs, to whom was referred, the 19th instant, the nomination of James Duncan, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Davis, of Mississippi, from the Committee on Military Affairs, to whom was referred, the 12th December, the nomination of Ulysses S. Grant, reported.

On motion by Mr. Davis, of Mississippi,

Ordered, That the said nomination lie on the table.

Mr. Dix, from the Committee on Commerce, to whom were referred, the 5th instant, the nominations of Eli F. Stacy and Ephraim F. Miller, William Maxwell, and Benjamin Stiles, on the 8th instant that of Charles Byrne, on the 9th instant those of John A. Parker and Henry E. W. Clark, on the 10th instant those of Leonard Jones and William D.

Starr, on the 12th instant those of Gershom Mott, Charles B. Lenex, and A. H. Wildes, and on the 16th instant those of Walter Havens and David Hayden, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Dix, from the Committee on Commerce, to whom was referred, the 5th instant, the nomination of Stephen Willets, and on the 12th instant those of Andrew Agnew and Thomas Bacon, reported.

Mr. Atherton, from the Committee on Finance, to whom was referred, the 19th instant, the nomination of M. F. Bonzano, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Niles, from the Committee on the Post-Office and Post-Roads, to whom were referred, the 12th December, the nominations of Theodore S. McLellan and Peter Rambo, reported,

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Butler, from the Committee on the Judiciary, to whom were referred, the 16th instant, the nominations of Samuel McClurg, John Lane, and Moreau Forrest, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Butler, from the Committee on the Judiciary, to whom was referred, the 8th instant, the nomination of Samuel H. Hempstead, reported.

On motion by Mr. Dix, and by unanimous consent,

Ordered, That he have leave to withdraw his motion of the 5th instant to reconsider the vote of the Senate on confirming the nomination of Orsemus Turner.

Mr. Bell, from the Committee on Indian Affairs, reported the following resolution:

Resolved, That the sanction of the Senate be, and is hereby, given to payment being caused to be made by the President of the United States out of the funds of the Chickasaw Indians in the custody of the General Government of the claims of the Choctaws against the Chickasaws, for five thousand dollars, by a transfer of five per cent. stock to that amount, and that interest be paid to the Choctaws out of the Chickasaw funds now in the possession of the Government on said amount of five thousand dollars, at the rate of five per centum per annum from the time it became due on account of the stock transferred by the latter tribe to the former as a payment of five hundred thousand dollars under the convention between the said tribes of January 17th, 1837, having cost the Chickasaws but four hundred and ninety-five thousand dollars, so that from that circumstance, and the stock not being worth more at the time of the transfer, said transfer was in fact a payment by the Chickasaws of only the last-mentioned sum.

On motion by Mr. Bell,

The Senate, by unanimous consent, proceeded to consider the said resolution, and agreed thereto.

Mr. Hannegan submitted the following resolution:

Resolved, That the President be requested to extinguish, by purchase, in such manner as he may deem advisable, the rights of the Hudson's

Bay Company and the Puget's Sound Land Company to the navigation of the Columbia River, and all property and other possessory rights held by them in the Territory of Oregon : *Provided*, That the sum to be given on the part of this Government shall not exceed one million of dollars.

The Senate, by unanimous consent, proceeded to consider the said resolution ; and,

On motion by Mr. Allen to amend the same by striking out all after the word " Resolved," and inserting the following in lieu thereof :

That the President be requested to take such measures as he may deem most proper, in order to ascertain the nature, the extent, and the value of the rights of navigation and of transit over portages reserved to the " Hudson's Bay Company and to all British subjects trading with the same," by the second article of the " treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland," concluded and signed at Washington on the 15th day of June, 1846 ; to ascertain also the nature, the extent, and the value of " the possessory rights of the Hudson's Bay Company, and of all other British subjects," reserved by the third article of said treaty ; to ascertain also the nature, extent, and value of " the farms, lands, and other property of every description belonging to the Puget's Sound Agricultural Company," reserved by the fourth article of said treaty ; to ascertain also whether either of said companies or subjects have, since the ratification of said treaty, sold or transferred any of the rights or property so reserved by the second, third, and fourth articles of said treaty ; and, if so, when, to whom, and to what extent such sales or transfers may have been made.

Resolved further, That the President be requested to lay before the Senate, as soon as practicable, any and all the facts and information he may be thus enabled to collect.

On motion by Mr. Badger,
The Senate adjourned.

WEDNESDAY, JANUARY 31, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States :

I nominate George H. Paul to be deputy postmaster at Burlington, Vermont, in place of William Noble, resigned.

JAMES K. POLK.

WASHINGTON, *January 29, 1849.*

To the Senate of the United States :

I nominate James P. Drake to be receiver of public moneys at Indianapolis, in the State of Indiana, in the place of Zenas Lake, deceased.

JAMES K. POLK.

WASHINGTON, *January 29, 1849.*

To the Senate of the United States :

I nominate Andrew I. Edmonson to be register of the land office for the district of lands subject to sale at Pontotoc, in the State of Mississippi, from the 2d day of March, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *January 30th, 1849.*

To the Senate of the United States :

I nominate Lewis Morris, of Missouri, to be consul of the United States for the port of Campeché, in the Republic of Mexico, in the place of John F. McGregor, resigned.

JAMES K. POLK.

WASHINGTON, *January 31st*, 1849.

To the Senate of the United States :

I nominate John S. Lucas, of Missouri, to be consul of the United States for Paso del Norte, in the State of Chihuahua, in the Republic of Mexico.

JAMES K. POLK.

WASHINGTON, *January 31*, 1849.

To the Senate of the United States :

I nominate S. H. Page to be surveyor and inspector of the revenue for the port of Pontchartrain, in the State of Louisiana, from the 3d of February, 1849, when his present commission will expire.

Perry Douglass to be surveyor for the district and inspector of the revenue for the port of New London, in the State of Connecticut, from the 8th of February, 1849, when his present commission will expire.

George C. Shaw to be naval officer for the district of Newport, in the State of Rhode Island, from the 8th of February, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *January 31st*, 1849.

The messages were read.

Ordered, That the nomination of George H. Paul be referred to the Committee on the Post-Office and Post-Roads.

Ordered, That the nominations of James P. Drake and Andrew I. Edmonson be referred to the Committee on Public Lands.

Ordered, That the nominations of Lewis Morris, John S. Lucas, S. H. Page, Perry Douglass, and George C. Shaw be referred to the Committee on Commerce.

Mr. Niles, from the Committee on the Post-Office and Post-Roads, to whom were referred, the 26th instant, the nominations of David Holt, jr., and William Pierce, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Yulee, from the Committee on Naval Affairs, to whom were referred, the 12th December, the nominations of Thomas A. Conover, Charles H. Jackson, Andrew A. Harwood, Wilmer Shields, Charles E. Fleming, James S. Ridgely, William M. Caldwell, S. Wilson Kellogg, Charles Martin, Benjamin D. Heriot, William B. Scott, and Octavius Cohen; on the 16th instant, that of John Rutledge; and, on the 26th instant, those of Algernon Sidney Taylor and Henry B. Watson, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Breese, from the Committee on Public Lands, to whom was referred, the 26th instant, the nomination of Rufus Hewett, reported.

Mr. Borland, from the Committee on Military Affairs, to whom was referred, the 10th instant, the petition of James W. Schaumburg, submitted the following resolution :

Resolved, That the Committee on Military Affairs be discharged from the further consideration of the petition of James W. Schaumburg.

Mr. Breese, from the Committee on Public Lands, to whom was this day referred the nomination of James P. Drake, reported.

On motion by Mr. Breese,

The Senate, by unanimous consent, proceeded to consider the said nomination; and

Resolved, That the Senate advise and consent to the appointment of James P. Drake, agreeably to the nomination.

On motion by Mr. Dix,

The Senate proceeded to consider the nomination of Thomas Bacon; and

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Hannegan submitted the following resolution for consideration :

Whereas it is deemed highly expedient to prevent all possible danger of future difficulties and collisions between the Governments of the United States and Great Britain, and to preserve unimpaired the friendly relations at present subsisting between the two nations; and whereas in order to the accomplishment of the aforesaid objects it is, in the opinion of the Senate, desirable that the forts and possessory rights of the Hudson's Bay Company, and the farms, lands, and possessions of the Puget's Sound Agricultural Company, as mentioned, described, and secured by treaty between the United States and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland bearing date the fifteenth day of June, eighteen hundred and forty-six, together with the right of the Hudson's Bay Company to navigate the Columbia River and the northern branch thereof, as secured and mentioned in said treaty, should be extinguished or purchased if the same can be accomplished upon reasonable terms :

Resolved, That the President be, and he is hereby, advised to enter into an arrangement with the said Hudson's Bay Company and Puget's Sound Agricultural Company for the purchase of said real estate and the extinguishment of the rights of navigation belonging to them, respectively, within the territorial limits of the United States south of the forty-ninth degree of north latitude, the line designated by said treaty, upon just and reasonable terms, the consideration money to be paid when the same shall be appropriated by Congress.

On motion by Mr. Hannegan,

Ordered, That the said resolution be printed in confidence for the use of the Senate.

On motion by Mr. Dickinson,

The Senate proceeded to consider the nomination of Cornelius S. Bogardus; and,

After debate,

On motion by Mr. Baldwin that it lie on the table,

It was determined in the negative, { Yeas 17
Nays 25

On motion by Mr. Dickinson,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Badger, Baldwin, Bell, Berrien, Butler, Clarke, Corwin, Davis of Massachusetts, Greene, Houston, Metcalfe, Miller, Niles, Phelps, Spruance, Underwood, Upham.

Those who voted in the negative are,

Messrs. Atchison, Benton, Borland, Bradbury, Breese, Bright, Davis of Mississippi, Dickinson, Dix, Dodge of Iowa, Douglas, Downs, Fitzpatrick, Foote, Hannegan, Hunter, Johnson of Georgia, Jones, King, Mason, Rusk, Sebastian, Turney, Westcott, Yulee.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Cornelius S. Bogardus, agreeably to the nomination.

TUESDAY, FEBRUARY 6, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary:

To the Senate of the United States :

I nominate Peter M. Pearson to be a justice of the peace for the county of Washington and District of Columbia, in the place of William F. Purcell, appointed judge of the orphans' court.

Franklin S. Myer to be a justice of the peace for the county of Washington and District of Columbia, in the place of John W. Williams, deceased.

Henry Haw to be a justice of the peace for the county of Washington and District of Columbia, in the place of A. Thomas Smith, removed from said District.

JAMES K. POLK.

WASHINGTON, *February 1st*, 1849.

To the Senate of the United States :

I nominate Philo White, of Wisconsin, to be consul of the United States for the port of Hamburg, in the place of John Cuthbert, deceased.

JAMES K. POLK.

WASHINGTON, *February 1st*, 1849.

To the Senate of the United States :

I nominate the following officers for brevet promotion to the grades set opposite to their names respectively, for meritorious conduct, particularly in the performance of their respective duties in the prosecution of the war with Mexico :

Brevet Brigadier-General George M. Brooke, colonel 5th Infantry, to be major general by brevet, to date from the 30th of May, 1848.

Brevet Brigadier-General George Gibson, colonel and Commissary-General, to be major-general by brevet, to date from the 30th of May, 1848.

Brevet Brigadier-General Roger Jones, colonel and Adjutant-General, to be major-general by brevet, to date from the 30th of May, 1848.

Brevet Brigadier-General Nathan Towson, Paymaster-General, to be major-general by brevet, to date from the 30th of May, 1848.

Colonel Henry Stanton, assistant quartermaster-general, to be brigadier-general by brevet, to date from the 1st of January, 1847, when he was Acting Quartermaster-General in Washington.

Colonel George Talcott, Ordnance Department, to be brigadier-general by brevet, to date from the 30th of May, 1848.

Lieutenant-Colonel Thomas F. Hunt, deputy quartermaster-general, to be colonel by brevet, to date from the 30th of May, 1848.

Lieutenant-Colonel Joseph P. Taylor, assistant commissary-general, to be colonel by brevet, to date from the 30th of May, 1848.

Lieutenant-Colonel Æneas Mackay, deputy quartermaster-general, to be colonel by brevet, to date from the 30th May, 1848.

Lieutenant-Colonel Samuel Cooper, assistant adjutant, to be colonel by brevet, to date from the 30th of May, 1848.

Major Rufus L. Baker, Ordnance Department, to be lieutenant-colonel by brevet, to date from the 30th of May, 1848.

Major Daniel D. Tompkins, quartermaster, to be lieutenant-colonel by brevet, to date from the 30th May, 1848.

Major James W. Ripley, Ordnance Department, to be lieutenant-colonel by brevet, to date from the 30th of May, 1848.

Captain Alfred Mordecai, Ordnance Department, to be major by brevet, to date from the 30th of May, 1848.

I also nominate Major James D. Graham, Corps of Topographical Engineers, to be lieutenant-colonel by brevet for valuable and highly distinguished services, particularly on the boundary line between the United States and the provinces of Canada and New Brunswick, to date from January 1st, 1847.

JAMES K. POLK.

WASHINGTON, *February 2d*, 1849.

To the Senate of the United States :

I nominate Robert P. De Silver, of Pennsylvania, to be consul of the United States for the port of Macao, in the place of Thomas G. Peachy, resigned.

JAMES K. POLK.

WASHINGTON, *2d February*, 1849.

To the Senate of the United States :

I nominate for promotion by brevet in the Army of the United States the officers named in the accompanying list to the several grades annexed to their names, for gallant and meritorious conduct in the war with Mexico, and propose to change the dates of brevets heretofore conferred on some of these officers so as to conform to the recommendation of the Secretary of War, which is herewith communicated.

JAMES K. POLK.

WASHINGTON, *February 2d*, 1849.

WAR DEPARTMENT, *January 31*, 1849.

SIR: I respectfully recommend for brevet promotion the officers whose names are embraced in the accompanying list, not heretofore presented, and also the alterations in the same list of the dates and grades of brevets already conferred.

I have the honor to be, very respectfully, your obed't ser't,

W. L. MARCY,
Secretary of War.

The PRESIDENT.

List of officers for brevet promotion for gallant and meritorious conduct in the battles of Palo Alto and Resaca de la Palma, Texas, to rank from the 9th of May, 1846 :

Captain Pitcairn Morrison, 4th Infantry, since major of the 8th Infantry, to be major by brevet.

Captain Gouverneur Morris, 4th Infantry, to be major by brevet.

Captain Charles H. Larned, 4th Infantry, to be major by brevet.

Brevet Captain Ripley A. Arnold, 2d Dragoons, to be major by brevet.

First Lieutenant Oscar F. Winship, 2d Dragoons, since assistant adjutant-general, to be captain by brevet.

First Lieutenant John A. Whitall, since captain 5th Infantry, to be captain by brevet.

List of officers for brevet promotion for gallant and meritorious conduct in the battle of Cerro Gordo, Mexico, to rank from the 18th of April, 1847 :

Captain William P. Bainbridge, 4th Artillery, to be major by brevet.

First Lieutenant George Sykes, 3d Infantry, to be captain by brevet.

First Lieutenant Seth Williams, 1st Artillery, to be captain by brevet

List of officers for brevet promotion for gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico, to rank from the 20th of August, 1847 :

First Lieutenant Francis Woodbridge, 2d Artillery, to be captain by brevet.

Brevet First Lieutenant Truman Seymour, 1st Artillery, to be captain by brevet.

Second Lieutenant Simon B. Buckner, 6th Infantry, to be first lieutenant by brevet.

List of officers for brevet promotion for gallant and meritorious conduct in the battle of Molino del Rey, Mexico, to rank from the 8th of September, 1847:

Brevet Lieutenant-Colonel Francis Lee, major 4th Infantry, to be colonel by brevet.

Brevet Major William Chapman, captain 5th Infantry, to be lieutenant-colonel by brevet.

Brevet Major Horace Brooks, captain 2d Artillery, to be lieutenant-colonel by brevet.

Brevet Captain Francis Woodbridge, 2d Artillery, to be major by brevet.

First Lieutenant John Beardsley, 8th Infantry, to be captain by brevet.

Brevet First Lieutenant Frederick T. Dent, 5th Infantry, to be captain by brevet.

Second Lieutenant Ulysses Grant, since first lieutenant 4th Infantry, to be first lieutenant by brevet.

Second Lieutenant Edmund Russell, 4th Infantry, to be first lieutenant by brevet.

Second Lieutenant Edwin S. Howe, 6th Infantry, to be first lieutenant by brevet.

List of officers for brevet promotion for gallant and meritorious conduct in the battle of Chapultepec, Mexico, to date from the 13th of September, 1847 :

Brevet Major Jacob B. Backinstos, captain of Rifles, to be lieutenant-colonel by brevet.

Brevet Major David Ruggles, captain 5th Infantry, to be lieutenant-colonel by brevet.

Brevet Major Henry L. Scott, captain 4th Infantry, to be lieutenant-colonel by brevet.

Brevet Captain Roswell S. Ripley, 1st lieutenant 2d Artillery, to be major by brevet.

Brevet Captain John Sedgwick, 1st lieutenant 2d Artillery, to be major by brevet.

Brevet Captain Thomas Williams, 1st lieutenant 4th Artillery, to be major by brevet.

Brevet Captain Pinkney Lugenbeel, 1st lieutenant 5th Infantry, to be major by brevet.

Brevet Captain Thomas J. Jackson, 1st lieutenant 1st Artillery, to be major by brevet.

Brevet Captain Granville O. Haller, 4th Infantry, to be major by brevet.

Brevet Captain Fitz-John Porter, 1st lieutenant 4th Artillery, to be major by brevet.

First Lieutenant Henry M. Judah, 4th Infantry, to be captain by brevet.

First Lieutenant Marcus D. L. Simpson, 2d Artillery, to be captain by brevet.

Brevet First Lieutenant Ralph W. Kirkham, 2d lieutenant 6th Infantry, to be captain by brevet.

Brevet First Lieutenant Charles P. Stone, Ordnance, to be captain by brevet.

Brevet First Lieutenant John P. Hatch, 2d lieutenant Rifles, to be captain by brevet.

Brevet First Lieutenant George B. McClellan, 2d lieutenant Engineers, to be captain by brevet.

Brevet First Lieutenant Maurice Maloney, 4th Infantry, to be captain by brevet.

List of officers for brevet promotion for gallant and meritorious conduct in the battle of Santa Cruz de Rosales, Mexico, to rank from the 16th of March, 1848:

Major Benjamin L. Beall, 1st Dragoons, to be lieutenant-colonel by brevet.

Captain William N. Grier, 1st Dragoons, to be major by brevet.

First Lieutenant William E. Prince, 1st Infantry, to be captain by brevet.

First Lieutenant John Love, 1st Dragoons, to be captain by brevet.

Brevet First Lieutenant Oliver H. Perry, 2d lieutenant 1st Dragoons, to be captain by brevet.

First Lieutenant Alexander B. Dyer, Ordnance, to be captain by brevet.

Second Lieutenant John Adams, 1st Dragoons, to be first lieutenant by brevet.

First Lieutenant Henry Little, since captain 7th Infantry, to be captain by brevet for gallant and meritorious conduct in the battle of Monterey, Mexico, to rank from the 23d of September, 1846.

Brevet Major Joseph H. Eaton, captain 3d Infantry, to be lieutenant-colonel by brevet for gallant and meritorious conduct in the battle of Buena Vista, Mexico, to rank from the 23d February, 1847.

Major Philip St. George Cooke, 2d Dragoons, to be lieutenant-colonel by brevet for meritorious conduct in California, to rank from the 20th of February, 1847.

Major Albert G. Bennett, Pay Department, to be lieutenant-colonel by brevet for gallant and meritorious conduct in an affair with the guerrilleros at the National Bridge, Mexico, in which he contributed in sav-

ing a large amount of Government specie from falling into the hands of the enemy, to date from the 11th June, 1847.

Captain Charles Ruff, Rifles, to be major by brevet for gallant and meritorious conduct in the affair at San Juan de los Llanos, Mexico, to date from the 1st of August, 1847.

First Lieutenant John G. Walker, Rifles, to be captain by brevet, for gallant and meritorious conduct in the affair at San Juan de los Llanos, to date from the 1st of August, 1847.

Captain George A. H. Blake, 2d Dragoons, to be major by brevet for gallant and meritorious conduct in the affair at San Augustine, Mexico, to date from the 17th of August, 1847.

Brevet Major Benjamin S. Roberts, captain of Rifles, to be lieutenant-colonel by brevet for gallant and meritorious conduct in the actions with the enemy at Matamoras, November 23d, and at the Pass of Galaxara, Mexico, November 24, 1847, to rank from the 24th November, 1847.

The brevet of lieutenant-colonel conferred upon Captain Benjamin Huger, ordnance, for gallant and meritorious conduct in the battles of Contreras and Churubusco, to be changed so as to apply to the battle of Molino del Rey, in which he was distinguished, to date from the 8th September, 1847.

The brevet of lieutenant-colonel conferred upon Captain Thompson Morris, since major 1st Infantry, for gallant and meritorious conduct in the battle of Chapultepec, to be changed so as to apply to the battles of Contreras and Churubusco, in which he was distinguished, to date from the 20th of August, 1847.

The brevet of major conferred upon Captain George Naumon, 1st Artillery, for gallant and meritorious conduct in the battles of Contreras and Churubusco, to be changed so as to apply to the battle of Cerro Gordo, in which he was distinguished, to date from the 18th of April, 1847; and the same officer to be lieutenant-colonel by brevet for gallant and meritorious conduct in the battles of Contreras and Churubusco, to date from the 20th of August, 1847.

The brevet of major conferred upon Captain Joseph R. Smith, 2d Infantry, for gallant and meritorious conduct in the battles of Contreras and Churubusco, to be changed so as to apply to the battle of Cerro Gordo, in which he was distinguished, to date from the 18th of April, 1847; and the same officer to be lieutenant-colonel by brevet for gallant and meritorious conduct in the battles of Contreras and Churubusco, to date from the 20th of August, 1847.

The brevet of major conferred upon Captain Richard B. Scriven, 8th Infantry, for gallant and meritorious conduct in the battle of Molino del Rey, to be changed so as to apply to the battle of Monterey, in which he was distinguished, to date from the 23d September, 1846; and the same officer to be lieutenant-colonel by brevet for gallant and meritorious conduct in the battle of Molino del Rey, to date from the 8th September, 1847.

The brevet of major conferred upon Captain Abraham C. Myers, assistant quartermaster, for gallant and meritorious conduct in the battles of Contreras and Churubusco, to be changed so as to apply to the battles of Palo Alto and Resaca de la Palma, in which he was distinguished, to date the 9th of May, 1846.

The brevet of major conferred upon Captain Joseph Hooker, assistant adjutant-general, for gallant and meritorious conduct in the battle of Chapultepec, to be changed so as to apply to the affair at the National Bridge, in which he was distinguished, to date from the 11th June, 1847; and the same officer to be lieutenant-colonel by brevet for gallant and

meritorious conduct in the battle of Chapultepec, to date from 13th September, 1847.

The brevet of major conferred upon Captain Andrew Porter, Rifles, for gallant and meritorious conduct in the battle of Chapultepec, to be changed so as to apply to the battles of Contreras and Churubusco, in which he was distinguished, to date from the 20th of August, 1847; and the same officer to be lieutenant-colonel by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th of September, 1847.

The brevet of captain conferred upon 1st Lieutenant John F. Rowland, since captain 2d Artillery, for gallant and meritorious conduct in the battle of Monterey, to be changed so as to apply to the battles of Palo Alto and Resaca de la Palma, in which he was distinguished, to date from the 9th of May, 1846; and the same officer to be major by brevet for gallant and meritorious conduct in the battle of Monterey, to date from the 23d September, 1846.

The brevet of captain conferred upon 1st Lieutenant W. H. French, since captain 1st Artillery, for gallant and meritorious conduct in the battles of Contreras and Churubusco, to be changed so as to apply to the battle of Cerro Gordo, to date from the 18th April, 1847; and the same officer to be major by brevet for gallant and meritorious conduct in the battles of Contreras and Churubusco, to date from the 20th August, 1847.

The brevet of captain conferred upon 1st Lieutenant Richard P. Hammond, 3d Artillery, for gallant and meritorious conduct in the battles of Contreras and Churubusco, to be changed so as to apply to the battle of Cerro Gordo, in which he was distinguished, to date from the 18th of April, 1847; and the same officer to be major by brevet for gallant and meritorious conduct in the battles of Contreras and Churubusco, to date from the 20th of August, 1847.

The brevet of captain conferred upon 1st Lieutenant Zealous B. Tower, of Engineers, for gallant and meritorious conduct in the battle of Chapultepec, to be changed so as to apply to the battles of Contreras and Churubusco, in which he was distinguished, to date from the 20th of August, 1847; and the same officer to be major by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th September, 1847.

The brevet of captain conferred upon Second Lieutenant Gustavus W. Smith, of Engineers, for gallant and meritorious conduct in the battle of Chapultepec, to be changed so as to apply to the battle of Contreras, in which he was distinguished, to date from the 20th of August, 1847.

The brevet of first lieutenant conferred upon Second Lieutenant Frederick Steel, since first lieutenant 2d Infantry, for gallant and meritorious conduct in the battle of Chapultepec, to be changed so as to apply to the battle of Contreras, in which he was distinguished, to date from the 20th of August, 1847; and the same officer to be captain by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th September, 1847.

The brevet of first lieutenant conferred upon 2d Lieutenant Barnard E. Bee, 3d Infantry, for gallant and meritorious conduct in the battle of Chapultepec, to be changed so as to apply to the battle of Cerro Gordo, in which he was distinguished, to date from the 18th of April, 1847; and the same officer to be captain by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th of September, 1847.

The brevet of first lieutenant conferred upon 2d Lieutenant James Stuart, Rifles, for gallant and meritorious conduct in the battle of Chapultepec, to be changed so as to apply to the battles of Contreras and Churubusco, in which he was distinguished, to date from the 20th of August, 1847; and the same officer to be captain by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th September, 1847.

The following officers, to wit, Captain J. E. Johnston, Topographical Engineers; Captain George H. Talcott, Ordnance; Captain Samuel Woods, 6th Infantry; and 2d Lieutenant Hermann Thorn, 2d Infantry, resigned their commissions in the regular Army, took commissions in the ten regiments raised to serve to the end of the war, and received brevets based on their rank in these regiments. They were respectively placed back to their former rank in the Army, pursuant to the act of Congress of the 19th July, 1848.

It having been determined by the Department that the brevet commissions conferred on them while officers of the ten regiments ceased to be effective when they ceased to be officers of these regiments, by reason of the expiration of the term for which they were commissioned to serve in that corps, and as by the act of Congress above referred to they received commissions in the Regular Army reaching back beyond the time when they performed services for which they were brevetted as officers of the ten regiments, it is respectfully recommended that they be promoted by brevet as follows:

Captain Samuel Woods, 6th Infantry, to be major by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th September, 1847.

Captain Joseph E. Johnston, Topographical Engineers, to be major by brevet for gallant and meritorious conduct, to date from the 12th of April, 1847, when he was severely wounded under the enemy's works at Cerro Gordo, Mexico, whilst on reconnoitering duty, and to be lieutenant-colonel by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th September, 1847.

Captain George H. Talcott, Ordnance, to be major by brevet, for gallant and meritorious conduct in the battle of Molino del Rey, to date from the 8th September, 1847.

Second Lieutenant Hermann Thorn, 2d Infantry, to be first lieutenant by brevet, for gallant and meritorious conduct in the battle of Churubusco, to date from the 20th of August, 1847, and to be captain by brevet for like conduct in the battle of Molino del Rey, to date from the 8th September, 1847.

For "meritorious conduct" while serving in the enemy's country:

Major Adam D. Stewart, paymaster, to be lieutenant-colonel by brevet, to date from the 30th of May, 1848.

Major Charles Thomas, quartermaster, to be lieutenant-colonel by brevet, to date from the 30th of May, 1848.

Major Samuel McKee, quartermaster, to be lieutenant-colonel by brevet, to date from the 30th of May, 1848.

Major Thomas Swords, quartermaster, to be lieutenant colonel by brevet, to date from the 30th of May, 1848.

Captain Edwin R. Babbitt, assistant quartermaster, to be major by brevet, to date from the 30th of May, 1848.

Captain Jonathan G. Barnard, Engineers, to be major by brevet, to date from the 30th of May, 1848.

Captain William D. Fraser, Engineers, to be major by brevet, to date from the 30th May, 1848.

Captain Marsena R. Patrick, 2d Infantry, to be major by brevet, to date from the 30th May, 1848.

W. L. MARCY.

WAR DEPARTMENT, *January 31, 1849.*

To the Senate of the United States :

I nominate Captain James Belger, assistant quartermaster, to be major by brevet for meritorious conduct, particularly in the performance of his duty in the prosecution of the war with Mexico, to date from the 30th of May, 1848.

JAMES K. POLK.

WASHINGTON, *February 5, 1849.*

To the Senate of the United States :

I transmit herewith for the consideration and advice of the Senate, with regard to its ratification, a treaty concluded on the 24th day of November, 1848, by Morgan L. Martin and Albert G. Ellis, commissioners on the part of the United States, and the sachem, councillors and head men of the Stockbridge tribe of Indians, together with a report of the Commissioner of Indian Affairs, and other papers explanatory of the same.

JAMES K. POLK.

WASHINGTON, *5th February, 1849.*

The messages were read.

Ordered, That the nominations of Peter M. Pearson, Franklin S. Myer, and Henry Haw be referred to the Committee on the District of Columbia.

Ordered, That the nominations of Philo White and Robert P. De Silver be referred to the Committee on Commerce.

Ordered, That the nominations for promotion by brevet in the Army of the United States be referred to the Committee on Military Affairs.

The articles of agreement and treaty made and concluded at Stockbridge, in the State of Wisconsin, on the 24th day of November, in the year of our Lord 1848, by and between Morgan L. Martin and Albert G. Ellis, commissioners on the part of the United States of America, and the Stockbridge tribe of Indians, was read the first time; and,

On motion by Mr. Atchison,

Ordered, That the articles of agreement and treaty, with the message and accompanying documents, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

Mr. Breese, from the Committee on Public Lands, to whom was referred, the 31st January, the nomination of Andrew J. Edmonson, reported.

Mr. Dix, from the Committee on Commerce, to whom was referred, the 26th January, the nomination of Martin Russell, and on the 31st January those of Lewis Morris, John L. Lucas, S. H. Page, Perry Douglas, and George C. Shaw, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Dix, from the Committee on Commerce, to whom was referred, the 26th January, the nominations of Richard Sands and James W. Roach, reported,

Mr. Downs submitted the following resolution for consideration :

Resolved by the Senate, That the resolution of the Senate of the 19th March, 1845, respecting James W. Schaumburg, be rescinded and repealed, and that any order of the President made by reason of said resolution should be revoked.

WEDNESDAY, FEBRUARY 7, 1849.

Mr. Dix, from the Committee on Commerce, to whom were referred, the 26th January, the nominations of H. S. Paisley, Charles William Bradley, and Henry Fries, on the 6th instant those of Philo White and Robert P. De Silver, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

On motion by Mr. Butler,

The Senate proceeded to consider the nomination of Samuel H. Hempstead; and,

After debate,

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

FRIDAY, FEBRUARY 9, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States :

I nominate Henry W. Palfrey to be receiver of public moneys at New Orleans, in the State of Louisiana, in the place of Oliver B. Hill, resigned.

JAMES K. POLK.

WASHINGTON, *February 8*, 1849.

To the Senate of the United States :

I nominate Robert B. Risley to be collector of customs for the district and inspector of revenue for the port of Great Egg Harbor, in the State of New Jersey, his former commission having this day expired.

JAMES K. POLK.

WASHINGTON, *February 8*, 1849.

The messages were read.

Ordered, That the nomination of Henry W. Palfrey be referred to the Committee on Public Lands.

Ordered, That the nomination of Robert B. Risley be referred to the Committee on Commerce.

Mr. Walker presented the memorial of Job Moore and others in relation to certain provisions contained in the articles of agreement and treaty between the United States and the Stockbridge tribe of Indians, concluded the 24th November, 1848; which was referred to the Committee on Indian Affairs.

On motion by Mr. Hannegan,

The Senate proceeded to consider the resolution submitted by him the 26th January, together with the substitute therefor, submitted the

31st January, in relation to an arrangement with the Hudson's Bay Company and the Puget's Sound Agricultural Company ; and,

After debate,

On motion by Mr. Dayton that the same lie upon the table,

It was determined in the affirmative, { Yeas..... 33
Nays..... 9

On motion by Mr. Hannegan,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Allen, Atherton, Badger, Baldwin, Benton, Borland, Bradbury, Bright, Butler, Clarke, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dodge, Downs, Felch, Fitzpatrick, Foote, Greene, Hale, Hamlin, Hunter, Johnson of Georgia, Jones, King, Metcalf, Miller, Niles, Sebastian, Spruance Sturgeon, Underwood.

Those who voted in the negative are,

Messrs. Atchison, Berrien, Breese, Hannegan, Houston, Mangum, Rusk, Walker, Westcott.

So it was

Ordered, That the resolution submitted by Mr. Hannegan the 26th January, together with the substitute therefor, submitted the 31st January, lie on the table.

WEDNESDAY, FEBRUARY 28, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States :

I nominate James L. Edwards to be Commissioner of Pensions from and after the third day of March, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *February 9th*, 1849.

To the Senate of the United States :

I nominate Marcus Junius Gaines, of Virginia, to be consul of the United States for the city and Kingdom of Tripoli, in the place of Daniel S. Macauley, appointed consul-general of the United States at Alexandria, in Egypt.

JAMES K. POLK.

WASHINGTON, *9th February*, 1849.

The messages were read.

The Senate, by unanimous consent, proceeded to consider the nominations of Joseph L. Edwards and Marcus Junius Gaines ; and

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Johnson, of Georgia, from the Committee on the District of Columbia, to whom were referred the nominations of Peter M. Pearson, Franklin S. Meyer, and Henry Haw, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Breese, from the Committee on Public Lands, to whom was referred the nomination of Henry W. Palfrey, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Niles, from the Committee on the Post-Office and Post-Roads, to whom were referred, the 26th December last, the nominations of John Simpson, William D. Quin, and William B. Smith, reported.

Mr. Davis, of Mississippi, from the Committee on Military Affairs, to whom were referred, the 12th December last, the nominations of John S. Simonson, William W. Taylor, Andrew J. Lindsay, Julian May, Daniel M. Frost, William B. Lane, and Caleb E. Irvine, submitted the following report:

The Committee on Military Affairs, to whom was referred the nomination of Captain John S. Simonson to be major, August 19th, 1848, vice Crittenden, cashiered, have considered the same, and report:

That having their attention drawn to the proceedings of the court-martial before which Major Crittenden was tried, they called on the Secretary of War for a copy of the record of the trial of said Major Crittenden, and find such irregularities and defects in the proceedings as, in their opinion, vitiate the sentence of the court.

The sixty-fourth, sixty-ninth, and seventy-fifth Rules and Articles of War require that general courts-martial shall consist of not less than thirteen members, when that number can be convened without manifest injury to the service, and that in addition to the members of the court there shall be a judge-advocate appointed to prosecute in the name of the United States; also, under certain limitations, to act as counsel for the prisoner, and who shall act under oath, as specified in the sixty-ninth Article of War.

It is further prescribed that no officer shall be tried by officers of inferior rank, if it can be avoided, nor shall any proceedings or trial be carried on excepting between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court-martial, require immediate example.

It appears by a statement of the Adjutant-General that in the corps d'armée, with which Major Crittenden was serving, there were present 418 officers, and in the division to which he was attached 100 officers were present; and the committee have not been able to ascertain why, when the re-establishment of peace had suspended all active operations, a full court could not have been assembled to try a cause which involved the commission of an officer. Nor why, for such an offense as that for which Major Crittenden was tried, the trial might not have been deferred until after the troops returned to the United States, and time and place gave opportunity for a regular, full, and patient investigation. From the proceedings as submitted to the committee, it does not appear that the judge-advocate of the court acted under oath as required by the Articles of War, but, on the other hand, it is plainly to be inferred that this necessary qualification for the discharge of his duties was either neglected or disregarded.

In the original composition of the court there were but seven members, all of them in lineal rank inferior to Major Crittenden, the officer to be tried, and that but three of them held the same grade by brevet; the sessions of the court were held at different encampments on the march from the City of Mexico to Vera Cruz; two members of the court were unable to keep up with its progress, and the trial continued at the subsequent meetings of the court with five members, of whom but two were (by brevet) of equal grade to the accused.

By special authority the court held its sessions without regard to hours, though by the Articles of War this is restricted to cases which "require immediate example" to be made. This justification cannot be offered in the present case, because whatever might be the opinion of the commanding officer, the sentence of the court could only be carried into effect after the approval of the President, and therefore the argument of immediate example could have no application.

To the defect of number, legal qualification and rank, is to be added the consideration that the court held its sessions amid the confusion of a marching column, and as appears by its proceedings, continued to investigate charges against the accused whilst he was laboring under ill health, and finally to sentence him, without granting the brief delay he asked, to enable him to avail himself of the assistance of his counsel, an officer temporarily absent on detached service, in the preparation of his defense. All this in a state of peace and the profound subordination of a disciplined Army.

The commanding officer who ordered the court, in a letter of November 15, 1848, which was laid before the committee, says in relation to the propriety of having postponed the trial of Major Crittenden until a court of thirteen members could be convened, "I cannot pretend to say that this proposition presented itself to me in the precise form in which you have placed it." And again, "I shall feel neither mortification nor regret should the facts on which I based my opinions prove upon examination to be incorrect; on the contrary, it would be rather a source of gratulation should an error of mine in any degree contribute to the restoration of an officer to the service of his country, who but for one unfortunate weakness, which I feel assured he corrected, would be an ornament to any service."

For all the reasons stated, and under the attending circumstances of the case, from all the evidence before them, the committee are of opinion that Major Crittenden should have had the benefit of the rules and forms of trial as provided for ordinary cases, and which were established by law to secure the rights and guard the honor of officers of the United States Army; that these have been omitted or disregarded to such extent as to invalidate the finding and sentence of the court against Major Crittenden; and, therefore, that properly, justly, legally, no vacancy such as is contemplated in the nomination under consideration exists, and recommend the adoption of the following resolution:

Resolved, That the nominations for promotion based upon the dismissal of Major George B. Crittenden, Regiment of Mounted Rifles, be, and are, indefinitely postponed, the proceedings of the court-martial which resulted in the dismissal of the said Crittenden being, in the judgment of the Senate, so irregular and contrary to the directions of law, as to render the sentence of the court illegal, and therefore no vacancy has thereby been produced.

The report was read.

THURSDAY, MARCH 1, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary:

To the Senate of the United States:

I nominate William Greer to be justice of the peace for the District of Columbia and county of Washington, in the place of John M. Thayer, removed from said district.

William Easby to be justice of the peace for the District of Columbia and county of Washington, in the place of James Marshall, deceased.
JAMES K. POLK.

WASHINGTON, *February* 13, 1849.

To the Senate of the United States :

I nominate George E. Carraway to be collector of the customs for the district and inspector of the revenue for the port of Newbern, in the State of North Carolina, in the place of Thomas S. Singleton, resigned.
JAMES K. POLK.

WASHINGTON, *February* 13, 1849.

To the Senate of the United States :

I nominate James C. Allen to be deputy postmaster at Apalachicola, in the State of Florida, in the place of Joseph S. May, resigned.
JAMES K. POLK.

WASHINGTON, *February* 13, 1849.

To the Senate of the United States :

I nominate Edward Harden to be appraiser of merchandise for the port of Savannah, in the State of Georgia, in the place of Charles Stephens, deceased.
JAMES K. POLK.

WASHINGTON, *February* 16, 1849.

To the Senate of the United States :

I nominate William Day, of Pennsylvania, to be consul of the United States for the city of Lyons, in France, in the place of John A. Jones, resigned.
JAMES K. POLK.

WASHINGTON, 16th *February*, 1849.

To the Senate of the United States :

I nominate Jefferson H. Brolasky, of Pennsylvania, to be consul of the United States for the city of Jerusalem, in the Turkish Dominions.
JAMES K. POLK.

WASHINGTON, 16th *February*, 1849.

To the Senate of the United States :

I nominate Major William Dulany, of the Marine Corps, to be lieutenant-colonel by brevet in said Corps, from the 14th of September, 1847, for gallant and meritorious conduct at the storming and capture of the castle of Chapultepec and the capture of the Belen Gate and the City of Mexico.

Captain Nathaniel Sheafe Waldron, of the Marine Corps, to be a major, by brevet in the said Corps, from the 22d of July, 1848.
JAMES K. POLK.

WASHINGTON, 16th *February*, 1849.

To the Senate of the United States :

I nominate Hermon Harolson to be deputy postmaster at Little Rock, in the State of Arkansas, in the place of L. Reardon, deceased.
JAMES K. POLK.

WASHINGTON, *February* 20, 1849.

To the Senate of the United States :

I nominate Alexander Dixon to be collector of customs and inspector of the revenue for the port of Edenton, in North Carolina, in the place of Rizop Raules, resigned.

JAMES K. POLK.

WASHINGTON, *February 21, 1849.*

To the Senate of the United States :

I nominate John Quincy Adams, now a master, to be a lieutenant in the Navy, from the 21st of February, 1849, to fill a vacancy occasioned by the death of Lieutenant Jas. P. Oellers.

JAMES K. POLK.

WASHINGTON, *February 23, 1849.*

To the Senate of the United States :

I withdraw the nomination now before the Senate of James C. Allen to be deputy postmaster at Apalachicola, in the State of Florida.

JAMES K. POLK.

WASHINGTON, *February 24, 1849.*

To the Senate of the United States :

I nominate A. Hyatt Smith to be attorney of the United States for the district of Wisconsin, in the place of Thomas W. Sutherland, resigned.

JAMES K. POLK.

WASHINGTON, *February 26, 1849.*

To the Senate of the United States :

I nominate William Dousing to be register of the land office at Columbus, in the State of Mississippi, from and after the 2d of March, 1849, when his present commission will expire.

JAMES K. POLK.

WASHINGTON, *February 26, 1849.*

To the Senate of the United States :

I nominate George W. Clutter to be deputy postmaster at Wheeling, in the State of Virginia, in the place of A. Newnan, resigned.

JAMES K. POLK.

WASHINGTON, *February 26, 1849.*

To the Senate of the United States :

I nominate Gustavus G. Cushman, of Maine, to be consul of the United States for the port of Chagres, in the Republic of New Granada, in the place of Leonard Jones, who declines to accept.

Peter W. Martin, of Tennessee, to be consul of the United States at Camargo, in the Republic of Mexico.

JAMES K. POLK.

WASHINGTON, *February 27, 1849.*

To the Senate of the United States :

I nominate Abner Gilstrap to be receiver of public moneys for the district of lands subject to sale at Milan, in the State of Missouri; and Jacamiah Seaman to be register of the land office for the same district under an act entitled "An act to establish an additional land office in the State of Missouri," approved February 26th, 1849.

JAMES K. POLK.

WASHINGTON, *February 27th, 1849.*

To the Senate of the United States :

I nominate Alexander Stevenson, of Texas, to be consul of the United States for Merida and Sisal, in the Mexican Republic, in the place of Pedro de Regil y Estrada, resigned.

JAMES K. POLK.

WASHINGTON, *February —, 1849.*

The messages were read.

Ordered, That the nominations of William Greer and William Easby be referred to the Committee on the District of Columbia.

Ordered, That the nominations of George E. Carraway, William Day, Jefferson H. Brolaskey, Alexander Dixon, Peter W. Martin, and Alexander Stevenson be referred to the Committee on Commerce.

Ordered, That the nominations of William Dulany and Nathaniel Sheafe Waldron be referred to the Committee on Naval Affairs.

Ordered, That the nominations of Herndon Haralson and George Clutter be referred to the Committee on the Post-Office and Post-Roads.

Ordered, That the nomination of William Dousing be referred to the Committee on Public Lands.

Ordered, That the nominations of James C. Allen and Edward Harden lie on the table.

The Senate, by unanimous consent, proceeded to consider the nominations of Gustavus G. Cushman, John Quincy Adams, A. Hyatt Smith, Abner Gilstrap, and Jacamiah Seaman; and

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

On motion by Mr. Bright,

The Senate proceeded to consider the nomination of Rufus Hewitt; and

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

The following messages were received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States :

For the reasons set forth in the accompanying communication of the Secretary of War, I renominate Major D. D. Tompkins, a quartermaster in the Army of the United States, to take rank from July 22, 1842, instead of April 21, 1846, the date of his present commission.

JAMES K. POLK.

WASHINGTON, *February 9th, 1849.*

WAR DEPARTMENT,
Washington, February 1, 1849.

SIR: I respectfully present for your consideration the case of Major Daniel D. Tompkins, a quartermaster in the Army, with respect to the date of his commission, which is April 21, 1846, as appears in the Army Register.

Major Tompkins claims, and I think with justice, to date from July 22d, 1842, being the time of the vacancy occasioned by the death of Major Clark, which he was entitled to fill if the ordinary course of promotion had been followed when the vacancy happened. It is understood that it was determined at the time by the Executive to suffer the vacancy to lay over, it being considered that the public service did not need the full complement of officers allowed by law for the Quartermaster's Department. But when the public service required the va-

cancy to be filled in 1846 Major Tompkins received his present appointment to date as before stated, April 21, 1846, instead of July 22, 1842. With this brief view of the case I recommend that the correction be now made, and that the date of the commission of this meritorious officer be changed to July 22, 1842.

I have the honor, to be, very respectfully, your ob't serv't,
W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

To the Senate of the United States :

On the 2d instant I nominated Edwin S. Howe, second lieutenant 6th Infantry, for brevet promotion in the Army of the United States. His true name is Edward Howe. I therefore nominate the said Edward Howe for said brevet promotion.

JAMES K. POLK.

WASHINGTON, *February 26, 1849.*

To the Senate of the United States :

I nominate the officers in the subjoined list for brevet promotion to the grades set opposite to their names respectively.

JAMES K. POLK.

FEBRUARY 27, 1849.

List of officers for brevet promotion for "meritorious conduct," to rank from the 30th May, 1848 :

Brevet Brigadier-General Hugh Brady, colonel of the 2d Infantry, to be major-general by brevet.

Colonel John B. Walbach, 4th Artillery, to be brigadier-general by brevet.

Surgeon-General Thomas Lawson to be brigadier-general by brevet.

Captain Edmund A. Ogden, Quartermaster's Department, to be major by brevet.

Captain William A. Thornton, Ordnance Department, to be major by brevet.

Captain John T. Sprague, 8th Infantry, to be major by brevet.

To the Senate of the United States :

I nominate the officers in the subjoined list for brevet promotion to the grades set opposite to their names, respectively, and ask that the change in the dates of brevets already conferred, embraced in that list, may be made to conform to the recommendation of the Secretary of War herewith.

JAMES K. POLK.

WASHINGTON, *February 27, 1849.*

WAR DEPARTMENT, *February 23d, 1849.*

SIR: I respectfully recommend for brevet promotion the officers whose names are embraced in the accompanying list, not heretofore presented, and also the alterations in the same list of the dates and grades of brevets already conferred.

I have the honor to be, very respectfully, your obe't serv't,

W. L. MARCY,
Secretary of War.

The PRESIDENT.

Lieutenant-Colonel Thomas Stainford, 8th Infantry, to be colonel by brevet for gallant and meritorious conduct in the battle of Monterey, to date from 23d September, 1846.

Brevet Lieutenant-Colonel Justin Dimick, captain 1st Artillery, to be colonel by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th September, 1847.

Brevet Major Richard D. A. Wade, captain 3d Artillery, to be lieutenant-colonel by brevet for gallant and meritorious conduct in the battle of Molino del Rey, to date from the 8th September, 1847.

Major Andrew J. Coffee, Pay Department, to be lieutenant-colonel by brevet for gallant and meritorious conduct in the battle of Buena Vista, to date from the 23d February, 1847.

Captain Hamilton W. Merrill, 2d Dragoons, to be major by brevet for gallant and meritorious conduct in the battle of Molino del Rey, to date from 8th September, 1847.

Captain Samuel C. Ridgely, 4th Artillery, to be major by brevet for gallant and meritorious conduct in the battles of Contreras and Churubusco, to date from the 20th of August, 1847.

Captain John C. Henshaw, 7th Infantry, to be major by brevet for gallant and meritorious conduct in the battles of Contreras and Churubusco, to date from the 20th of August, 1847.

Captain Albert Lowry, Quartermaster's Department, to be major by brevet for gallant and meritorious conduct in the affair at Madelin, to date from the 25th of March, 1847.

Captain Oliver L. Shepherd, 3d Infantry, to be major by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th of September, 1847.

Brevet Captain Theodore T. S. Laidley, 1st lieutenant of Ordnance, to be major by brevet for gallant and meritorious conduct in the defense of Puebla, to date from the 12th of October, 1847.

First Lieutenant William B. Blair, 2d Artillery, to be first lieutenant by brevet for gallant and meritorious conduct in the battle of Cerro Gordo, to date from the 18th of April, 1847.

Brevet First Lieutenant Charles G. Merchant, 2d lieutenant 8th Infantry, to be captain by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th of September, 1847.

Brevet First Lieutenant James G. S. Snelling, 2d lieutenant, 8th Infantry, to be captain by brevet for gallant and meritorious conduct in the battle of Molino del Rey, to date from the 8th of September, 1847.

Brevet First Lieutenant Gordon Granger, 2d lieutenant Rifles, to be captain by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th of September, 1847.

Second Lieutenant William K. Van Bokkelin, 7th Infantry, to be first lieutenant by brevet for gallant and meritorious conduct at the battles of Contreras and Churubusco, to date from the 20th of August, 1847.

Second Lieutenant James M. Haws, 2d Dragoons, to be first lieutenant by brevet for gallant and meritorious conduct in the affair at San Juan de los Llanos, to date from the 1st of August, 1847.

The brevet of brigadier-general conferred upon Colonel Newman S. Clarke, 6th Infantry, for gallant and meritorious conduct in the battle of Churubusco, to be changed so as to apply to the siege of Vera Cruz, to date from the 29th March, 1847.

The brevet of major conferred upon Captain Daniel T. Chandler, 3d Infantry, for gallant and meritorious conduct in the battles of Contreras and Churubusco, to be changed so as to apply to the battle of Monterey,

in which he was distinguished, to date from the 23d of September, 1846; and the same officer to be lieutenant-colonel by brevet for gallant and meritorious conduct in the battles of Contreras and Churubusco, to date from the 20th of August, 1847.

The brevet of first lieutenant conferred upon Second Lieutenant Robert M. Morris, Rifles, for gallant and meritorious conduct in the battle of Chapultepec, to be changed so as to apply to the battle of Contreras, in which he was distinguished, to date from the 20th August, 1847; and the same officer to be captain by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th of September, 1847.

Brevet Lieutenant-Colonel William Turnbull, major Topographical Engineers, to be colonel by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th of September, 1847.

Brevet Major John B. Grayson, captain Commissary Department, to be lieutenant-colonel by brevet for gallant and meritorious conduct in the battle of Chapultepec, to date from the 13th September, 1847.

Brevet Major George W. Hughes, captain Topographical Engineers, to be lieutenant-colonel by brevet for meritorious conduct while serving in the enemy's country, to date from the 30th of May, 1848.

Second Lieutenant Martin L. Smith, Topographical Engineers, to be first lieutenant by brevet for meritorious conduct while serving in the enemy's country, to date from the 30th May, 1848.

Colonel Richard B. Mason, 1st Dragoons, to be brigadier-general by brevet for meritorious conduct, to date from the 30th May, 1848.

W. L. MARCY.

The messages were read.

On motion by Mr. Dix,

The Senate, by unanimous consent, proceeded to consider the nomination of John B. Walbach; and

Resolved, That the Senate advise and consent to his promotion by brevet, agreeably to the nomination.

Ordered, That the other nominations contained in the four messages last received be referred to the Committee on Military Affairs.

Mr. Bell, from the Committee on Indian Affairs, to whom was referred, the 6th February, the articles of agreement and treaty with the Stockbridge tribe of Indians, reported it with the following amendment:

Add the following as supplemental articles:

Whereas the Stockbridge and Munsee Indians consider that they have a claim against the United States for indemnity for certain lands on White River, in the State of Indiana, and for certain other lands in the State of Wisconsin, which they allege they have been deprived of by treaties entered into with the Miamies and Delawares or to the lands claimed by them in Indiana, and with the Menominees and Winnebagoes or to the lands in Wisconsin without their consent; and whereas the said Stockbridge and Munsee Indians, by their chiefs and agents, have continued to prosecute their said claims during the last twenty years at their own expense, except the sum of three thousand dollars paid them in 1821; and whereas it is desirable that all ground of discontent on the part of said Indians shall be removed, the United States do further stipulate, in consideration of the relinquishment by them of said claims and all others, except as provided in this treaty, to pay to the sachems or chiefs of said Indians, on the ratification of this article by them with the assent of their people, the sum of five thousand dollars, and the further sum of twenty thousand dollars, to be paid in ten annual instalments, to commence when the said Indians shall

have been selected and removed to their new homes, as contemplated by the seventh article of this treaty.

The President of the United States, within two years from the ratification of this treaty, shall procure for the use of said Stockbridge Indians a quantity of land west of the Mississippi River, upon which they shall reside, not less than seventy-two sections, said Indians to be consulted as to the location of said land, and to be holden by the same tenure as other Indian lands.

On motion by Mr. Bell,

The Senate, by unanimous consent, proceeded to consider as in Committee of the Whole, the said articles of agreement and treaty; and

On the question, Shall the said additional articles reported by the committee stand as part of the treaty?

It was determined in the affirmative, { Yeas 37
Nays 2

Those who voted in the affirmative are,

Messrs. Atchison, Atherton, Baldwin, Bell, Berrien, Borland, Clarke, Corwin, Davis of Massachusetts, Davis of Mississippi, Dickinson, Dix, Dodge of Iowa, Douglas, Downs, Fitzpatrick, Foote, Hannegan, Houston, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Jones, King, Mangum, Miller, Niles, Pearce, Phelps, Rusk, Sebastian, Spruance, Sturgeon, Underwood, Wales, Walker, Yulee.

Those who voted in the negative are,

Messrs. Cameron and Westcott.

So the amendment was agreed to.

And no further amendment being made, the treaty was reported to the Senate and the amendment was concurred in.

Mr. Bell submitted the following resolution for consideration:

Resolved, (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the articles of agreement and treaty made and concluded at Stockbridge, in the State of Wisconsin, on the 24th day of November, in the year of our Lord 1848, by and between Morgan L. Martin and Albert G. Ellis, commissioners on the part of the United States of America, and the Stockbridge tribe of Indians, with the following amendment:

Add the following as supplemental articles:

Whereas the Stockbridge and Munsee Indians consider that they have a claim against the United States for indemnity for certain lands on White River, in the State of Indiana, and for certain other lands in the State of Wisconsin, which they allege they have been deprived of by treaties entered into with the Miamies and Delawares, or to the lands claimed by them in Indiana, and with the Menomonies and Winnebagoes, or to the lands in Wisconsin without their consent; and whereas, the said Stockbridge and Munsee Indians, by their chiefs and agents, have continued to prosecute their said claims during the last twenty years, at their own expense, except the sum of three thousand dollars paid them in 1821; and whereas it is desirable that all ground of discontent on the part of the Indians shall be removed, the United States do further stipulate, in consideration of the relinquishment by them of said claims and all others, except as provided in this treaty, to pay to the sachems or chiefs of said Indians, on the ratification of this article by them with the assent of their people, the sum of five thousand dollars, and the further sum of twenty thousand dollars, to be paid in ten annual instalments, to commence when the said Indians shall have selected and removed to their new homes, as contemplated by the seventh article of this treaty.

The President of the United States, within two years from the ratification of this treaty, shall procure for the use of said Stockbridge Indians a quantity of land West of the Mississippi River upon which they shall reside, not less than seventy-two sections, said Indians to be consulted as to the location of said land, and to be holden by the same tenure as other Indian lands.

The Senate, by unanimous consent, proceeded to consider the said resolution ; and on the question to agree thereto,

It was determined in the affirmative, { Yeas 33
Nays 3

Those who voted in the affirmative are,

Messrs. Atchison, Atherton, Baldwin, Bell, Berrien, Bradbury, Clarke, Corwin, Davis of Massachusetts, Davis of Mississippi, Dickinson, Dix, Dodge of Iowa, Downs, Fitzpatrick, Hannegan, Houston, Johnson of Maryland, Johnson of Georgia, Jones, King, Mangum, Miller, Niles, Pearce, Phelps, Rusk, Spruance, Underwood, Wales, Walker, Yulee.

Those who voted in the negative are,

Messrs. Bright, Cameron, Westcott.

So the resolution was agreed to.

Ordered, That the Secretary lay the said resolution before the President of the United States.

FRIDAY, MARCH 2, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States :

I nominate Burton A. James, of Missouri, to be Indian agent for the Indians of the Osage River Agency, vice James S. Rains, removed.

JAMES K. POLK.

WASHINGTON, *March 1st*, 1849.

To the Senate of the United States :

Being advised of the decease of Edward Harden, whose nomination has been submitted to the Senate as appraiser of merchandise for the port of Savannah, in the State of Georgia, in the place of Charles Stephens, deceased, I now nominate A. B. Fannin for the vacancy.

JAMES K. POLK.

WASHINGTON, *March 2d*, 1849.

To the Senate of the United States :

I nominate the officers named in the accompanying list for regular promotion in the Army of the United States to the several grades annexed to their names, as submitted by the Secretary of War.

JAMES K. POLK.

WASHINGTON, *March 2d*, 1849.

WAR DEPARTMENT, *March 1*, 1849.

SIR : I have the honor to propose for your approbation the annexed list, for regular promotion in the Army of the United States.

I have the honor to be, with great respect, your ob't serv't,

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, *March 1, 1849.*

REGULAR PROMOTIONS IN THE ARMY OF THE UNITED STATES.

First Regiment of Dragoons.

Second Lieutenant Delos B. Sackett to be first lieutenant, December 27, 1848, vice Noble, deceased.

Brevet Second Lieutenant David H. Hastings to be second lieutenant, December 27, 1848, vice Sackett, promoted.

Second Regiment of Dragoons.

Brevet Second Lieutenant John Buford, jr., to be second lieutenant, February 17, 1849, vice Armstrong, deceased.

Second Regiment of Artillery.

First Lieutenant John Sedgwick to be captain, January 26, 1849, vice Duncan, appointed inspector-general.

First Lieutenant Arnold Elzey to be captain, February 14, 1849, vice Merchant, promoted.

Second Lieutenant Julius A. d'Lagnel to be first lieutenant, January 26, 1849, vice Sedgwick, promoted.

Second Lieutenant Daniel T. Van Buren to be first lieutenant, February 14, 1849, vice Elzey, promoted.

Brevet Second Lieutenant Henry Benson to be second lieutenant, January 26, 1849, vice d'Lagnel, promoted.

Brevet Second Lieutenant John C. Tidball to be second lieutenant, February 14, 1849, vice Van Buren, promoted.

Third Regiment of Artillery.

Captain Charles S. Merchant, of the Second Regiment of Artillery, to be major, February 14, 1849, vice Van Ness, deceased.

Fourth Regiment of Artillery.

Brevet Second Lieutenant Joseph C. Clark, jr., of the Third Regiment of Artillery, to be second lieutenant, January 6, 1849, vice Ehninger, resigned.

First Regiment of Infantry.

Brevet Second Lieutenant Walter W. Hudson to be second lieutenant, March 1, 1849, vice Crittenden, resigned.

Second Regiment of Infantry.

First Lieutenant Delozier Davidson to be captain, January 1, 1849, vice Penrose, deceased.

Second Lieutenant Hermann Thorn to be first lieutenant, January 1, 1849, vice Davidson, promoted.

Brevet Second Lieutenant James McGill to be second lieutenant, September 11, 1848, vice Butler, resigned.

Brevet Second Lieutenant Robert M. Russell to be second lieutenant, January 1, 1849, vice Thorn, promoted.

Fourth Regiment of Infantry.

Brevet Second Lieutenant William A. Slaughter to be second lieutenant, November 6, 1848, vice Howard, resigned.

Fifth Regiment of Infantry.

Brevet Second Lieutenant Samuel Archer to be second lieutenant, January 30, 1849, vice Long, deceased.

Eighth Regiment of Infantry.

First Lieutenant Robert P. Maclay to be captain, January 22, 1849, vice Sheppard, deceased.

Second Lieutenant Charles G. Merchant to be first lieutenant, August 2, 1848, vice Clark, deceased.

Second Lieutenant James G. S. Snelling to be first lieutenant, January 22, 1849, vice Maclay, promoted.

Brevet Second Lieutenant George S. Willard to be second lieutenant, August 2, 1848, vice Merchant, promoted.

* Brevet Second Lieutenant Richard I. Dodge to be second lieutenant, December 24, 1848, vice Deane, deceased.

Brevet Second Lieutenant Thomas K. Jackson to be second lieutenant, January 22, 1849, vice Snelling, promoted.

Respectfully submitted.

W. L. MARCY.

To the Senate of the United States :

In pursuance of the provisions of the act entitled "An act concerning the Pay Department of the Army," approved March 2, 1849, I nominate the following persons "selected from the additional paymasters now in service and the thirteen paymasters authorized by the acts of seventeenth of June, eighteen hundred and forty-six, and the third of March, eighteen hundred and forty-seven," to be paymasters in the Army of the United States: Abram Van Buren, Robert A. Forsyth, Robert B. Reynolds, Jeremiah Dashiell, Sacfield Maclin, A. W. Gaines, Albert G. Bennett, Hiram Leonard, Francis A. Cunningham, George C. Hutter.

JAMES K. POLK.

WASHINGTON, *March 2, 1849.*

The messages were read.

Ordered, That the nomination of Burton A. James be referred to the Committee on Indian Affairs.

Ordered, That the nomination of A. B. Fannin be referred to the Committee on Commerce.

Ordered, That the nominations of Delos B. Sackett and others for promotion, and of Abram Van Buren and others to be paymasters in the Army, be referred to the Committee on Military Affairs.

Mr. Niles, from the Committee on the Post-Office and Post-Roads, to whom was referred, the 31st January, the nomination of George H. Paul, and on the 1st instant those of Herndon Haralson and George W. Clutter, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

* NOTE.—Brevet Second Lieutenant Richard I. Dodge is entitled to promotion in the 4th Infantry, with the date of November 6, 1848, vice Howard, resigned; but in his letter of January 6, 1849, he declines promotion out of the 8th Infantry.

Mr. Davis, of Mississippi, from the Committee on Military Affairs, to whom were this day referred the nominations of Delos B. Sackett and others for regular promotion, and of Abram Van Buren and others for appointment as paymasters in the Army of the United States, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Yulee, from the Committee on Naval Affairs, to whom were referred, the 1st instant, the nominations of William Dulany and Nathaniel Waldron, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

The Senate proceeded to consider the nomination of Stephen Willets; and

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Breese, from the Committee on Public Lands, to whom was referred, the 1st instant, the nomination of William Dousing, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Davis of Mississippi, from the Committee on Military Affairs, to whom were referred, the 6th February, the nominations of George M. Brooke and others, contained in same message, Pitcairn Morrison and others, contained in same message, and of James Belger, reported.

Whereupon

Resolved, That the Senate advise and consent to the promotion by brevet and to the change in the dates of brevets heretofore conferred, of the said persons, agreeably to their nominations respectively.

Mr. Davis of Mississippi, from the Committee on Military Affairs, to whom were referred, the 1st instant, the nominations of D. D. Tompkins, Edward Howe, Hugh Brady, Thomas Lawson, Edmund A. Ogden, William A. Thornton, John T. Sprague, Thomas Staniford, Justin Dimick, Richard D. Wade, Andrew J. Coffee, Hamilton W. Merrill, Samuel C. Ridgely, John C. Henshaw, Albert Lowry, Oliver L. Shepherd, Theodore T. S. Laidley, William B. Blair, Charles G. Merchant, James G. S. Snelling, Gordon Granger, William K. Van Bokkelen, James M. Hawes, Newman S. Clarke, Daniel T. Chandler, Robert M. Morris, William Turnbull, John B. Grayson, George W. Hughes, Martin L. Smith, and Richard B. Mason, reported.

Whereupon

Resolved, That the Senate advise and consent to the promotion by brevet and to the change in the dates of brevets heretofore conferred, of the said persons, agreeably to their nominations respectively.

On motion by Mr. Downs,

The Senate proceeded to consider the resolution, submitted the 6th February, respecting James W. Schaumburg; and on the question to agree thereto,

It was determined in the affirmative, { Yeas 24
Nays 19

On motion by Mr. Downs,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Atchison, Bright, Cameron, Clarke, Corwin, Dickinson, Dodge of Iowa, Douglas, Downs, Fitzgerald, Foote, Hale, Hamlin, Hannegan,

Johnson of Maryland, Johnson of Georgia, Jones, Mangum, Metcalfe, Rusk, Sebastian, Sturgeon, Walker, Westcott.

Those who voted in the negative are,

Messrs. Badger, Baldwin, Bell, Benton, Berrien, Davis of Mississippi, Dix, Hunter, Mason, Miller, Niles, Pearce, Phelps, Spruance, Turney, Underwood, Wales, Yulee.

So the resolution was agreed to.

Ordered, That the Secretary lay the said resolution before the President of the United States.

On motion by Mr. Downs,

Ordered, That the injunction of secrecy be removed from the proceedings of the Senate in the case of James W. Schaumburg.

On motion by Mr. Davis, of Mississippi,

The Senate proceeded to consider the resolution reported from the Committee on Military Affairs, the 28th February, in relation to the nominations for promotion based upon the dismissal of Major George B. Crittenden ; and on the question to agree thereto,

It was determined in the affirmative, {	Yeas.....	35
	Nays	12

On motion by Mr. Bright,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Atchison, Badger, Baldwin, Bell, Benton, Berrien, Breese, Cameron, Clarke, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dix, Dodge of Iowa, Downs, Fitzpatrick, Greene, Hannegan, Houston, Johnson of Maryland, Johnson of Louisiana, Jones, Mangum, Metcalfe, Miller, Niles, Rusk, Spruance, Sturgeon, Underwood, Upham, Wales, Westcott.

Those who voted in the negative are,

Messrs. Atherton, Borland, Bright, Butler, Calhoun, Douglas, Foote, Hunter, Johnson of Georgia, Mason, Turney, Yulee.

So the resolution was agreed to.

Ordered, That the Secretary lay the report of the Committee on Military Affairs on the subject, together with the said resolution, before the President of the United States.

On motion by Mr. Bright,

Ordered, That the injunction of secrecy be removed from the nominations of John S. Simonson, William W. Taylor, Andrew J. Lindsay, Julian May, Daniel M. Frost, William B. Lane, and Caleb E. Irvine, contained in the message of the 12th December last ; from the report and resolution of the Committee on Military Affairs on the subject of the said nominations, and the case of Major George B. Crittenden, submitted the 28th February last, and from the proceedings of the Senate on the same.

SATURDAY, MARCH 3, 1849.

The following messages were received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States :

I nominate Captain John F. Lee, of the Army, to be judge-advocate with the brevet rank of major of cavalry.

JAMES K. POLK.

WASHINGTON, March 2, 1849.

To the Senate of the United States :

I nominate Brevet Major William G. Freeman, assistant adjutant-general, for the brevet of lieutenant-colonel in the Army of the United States, to rank from May 30, 1848, for meritorious conduct, particularly in the performance of his duties in the prosecution of the war with Mexico.

JAMES K. POLK.

WASHINGTON, *March 3, 1849.*

To the Senate of the United States :

By a clerical error the name of William B. Blair was nominated as 1st lieutenant of the 2d Artillery, to be first lieutenant by brevet, for gallant and meritorious conduct in the battle of Cerro Gordo, instead of captain.

In order to correct the error, I now nominate First Lieutenant William B. Blair, 2d Artillery, to be captain by brevet for gallant and meritorious conduct in the battle of Cerro Gordo, to date from the 18th of April, 1847.

JAMES K. POLK.

WASHINGTON, *March 3, 1849.*

I nominate Paymaster Christopher Andrews for reappointment in the Pay Department of the Army of the United States, as proposed by the Secretary of War.

JAMES K. POLK.

WASHINGTON, *March 3, 1849.*

WAR DEPARTMENT, *March 3, 1849.*

SIR: I respectfully submit the accompanying reappointment of Paymaster Christopher Andrews, inadvertently omitted in the former lists sent to the Senate.

I have the honor to be, very respectfully, your obedient servant,

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, *March 3d, 1849.*

REAPPOINTMENT.

Pay Department.

Paymaster Christopher Andrews reappointment October 24th, 1848, when his former commission expired.

Respectfully submitted.

W. L. MARCY.

To the Senate of the United States :

I nominate the persons named in the accompanying communication for promotion and appointments in the Medical Department of the Army, as proposed by the Secretary of War.

JAMES K. POLK.

WASHINGTON, *March 3d, 1849.*

WAR DEPARTMENT, *March 2, 1849.*

To the President of the United States:

SIR: I have the honor to propose for your approbation the annexed list of promotion and appointments in the Medical Department of the Army, under the provisions of an "Act for the increase, &c., of the Medical Department of the Army," approved March 2d, 1849.

I have the honor to be, with great respect, your obedient servant,
W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, *March 2d, 1849.*

Promotions and appointments in the Medical Department of the Army.

PROMOTION.

Assistant Surgeon Joseph H. Bailey to be surgeon, August 8, 1848, vice Craig, deceased.

APPOINTMENTS.

Henry S. Hewit, of Connecticut, to be assistant surgeon.
Thomas A. McParlin, of Maryland, to be assistant surgeon.
John Byrne, of Missouri, to be assistant surgeon.
La Fayette Guild, of Alabama, to be assistant surgeon.
William F. Edgar, of Missouri, to be assistant surgeon.
Thomas H. Williams, of Maryland, to be assistant surgeon.
Respectfully submitted.

W. L. MARCY.

To the Senate of the United States:

I nominate Joseph Bowron to be receiver of public moneys, and Diedrick Upman to be register of the land office, for the district of lands subject to sale at "Willow River," in "the western land district," in the State of Wisconsin, under an act approved March 2d, 1849.
JAMES K. POLK.

WASHINGTON, *March 2d, 1849.*

I nominate Edmund B. Glascock to be postmaster at Augusta, Georgia, his former commission having expired.

JAMES K. POLK.

EXECUTIVE DEPARTMENT, *March 2, 1849.*

The messages were read.

The Senate, by unanimous consent, proceeded to consider the nominations of John Lee, William G. Freeman, William B. Blair, Christopher Andrews, Joseph H. Bailey, Joseph Bowron, and Diedrick Upham; and

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Ordered, That the nominations of Henry S. Hewit, Thomas A. McParlin, John Byrne, La Fayette Guild, William F. Edgar, and Thomas H. Williams be referred to the Committee on Military Affairs.

Ordered, That the nomination of Edmund B. Glascock be referred to the Committee on the Post-Office and Post-Roads.

On motion by Mr. Dix,

Ordered, That the Committee on Commerce be discharged from the further consideration of the nominations of Robert B. Risley, George E. Carraway, William Day, Jefferson H. Brolaskey, Alexander Dixon, Peter W. Martin, Alexander Stevenson, and A. B. Fannin.

Mr. Niles, from the Committee on the Post-Office and Post-Roads, to whom was this day referred the nomination of Edmund B. Glascock, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

The Senate proceeded to consider the nominations of Andrew Agnew, Andrew J. Edmonson, Richard Sands, James W. Roach, and William B. Smith; and

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

The Senate proceeded to consider the nomination of John Simpson and William D. Quin; and

Ordered, That the said nominations lie on the table.

Mr. Davis, of Mississippi, from the Committee on Military Affairs, to whom were this day referred the nominations of Henry S. Hewit, Thomas A. McParlin, John Byrne, La Fayette Guild, William F. Edgar and Thomas H. Williams, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Johnson, of Georgia, from the Committee on the District of Columbia, to whom were referred, the 1st instant, the nominations of William Greer and William Easby, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Rusk, from the Committee on Indian Affairs, to whom was referred, the 2d instant, the nomination of Burton A. James, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

The following messages were received from the President of the United States, by Mr. Walker, his secretary :

To the Senate of the United States :

In pursuance of the provisions of an act entitled "An act making appropriations for the naval service for the year ending the thirtieth of June, 1850," approved March 3, 1849, I nominate the following persons for the places respectively named and who were officers of the Marine Corps, who were dismissed the service under the 4th section of the act of Congress, approved March 2, 1847, entitled "An act for the increase of the Marine Corps of the United States" :

Ward Marston to be a captain in the Marine Corps, from the 1st of July, 1834, to take rank next after Captain Thomas S. English.

Richard Douglas to be a captain in the Marine Corps, from the 24th of February, 1839, to take rank next after Captain A. N. Brevoort.

Job G. Williams to be a captain in the Marine Corps, from the 15th November, 1840, to take rank next after Captain Richard Douglas.

William Lang to be a captain in the Marine Corps, from the 16th of July, 1847, to take rank next after Captain Nathaniel S. Waldron.

Jabez C. Rich to be a first lieutenant in the Marine Corps, from the 24th of February, 1839, to take rank next after First Lieutenant Benjamin E. Brooke.

Thomas T. Sloan to be a first lieutenant in the Marine Corps, from the 31st of October, 1840, to take rank next after First Lieutenant Jabez C. Rich.

Edward L. West to be a first lieutenant in the Marine Corps, from the 6th of October, 1841, to take rank next after First Lieutenant Frederick B. McNeill.

John S. Devlin to be a first lieutenant in the Marine Corps, from the 3d of March, 1847, to take rank next after First Lieutenant William B. Slack.

Felix Grundy Mayson to be a second lieutenant in the Marine Corps, from the 14th November, 1845, to take rank next after Second Lieutenant George Adams.

James H. Jones to be a second lieutenant in the Marine Corps, from the 3d of March, 1847, to take rank next after Second Lieutenant —

William Butterfield to be a second lieutenant in the Marine Corps, from the 3d of March, 1847, to take rank next after Second Lieutenant Edward McD. Reynolds.

J. Hartley Strickland to be a second lieutenant in the Marine Corps, from the 22d of March, 1848, to take rank next after Second Lieutenant William Stokes Boyd.

George Holmes to be a second lieutenant in the Marine Corps, to fill a vacancy occasioned by the resignation of Second Lieutenant William F. Perry, from this day.

JAMES K. POLK.

WASHINGTON, *March 3, 1849.*

To the Senate of the United States :

I nominate Daniel Turner, of North Carolina, to be collector of customs and inspector of revenue at the port of San Francisco, for the district of Upper California.

Edward A. Hannegan, of Indiana, to be envoy extraordinary and minister plenipotentiary of the United States for the Kingdom of Prussia.

JAMES K. POLK.

WASHINGTON, *March 3, 1849.*

The messages were read.

The Senate, by unanimous consent, proceeded to consider the nominations of Ward Marston, Richard Douglas, Job G. Williams, William Lang, Jabez C. Rich, Thomas T. Sloan, Edward L. West, John S. Devlin, Felix Grundy Mayson, James H. Jones, William Butterfield, J. Hartley Strickland, and George Holmes; and

Resolved, That the Senate advise and consent to the appointment of the said persons agreeably to their nominations.

The Senate, by unanimous consent, proceeded to consider the nomination of Edward A. Hannegan.

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.